United States Court of Appeals

for the Second Circuit

APPENDIX

No. 75-1245

IN THE

United States Court of Appeals

FOR THE SECOND CIRCUIT

B P/7 S.

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

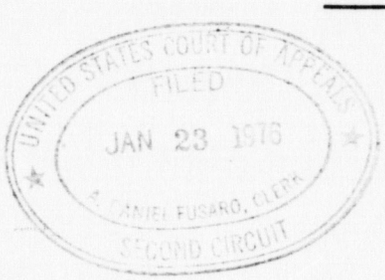
ANTONIO BORREGO VIDAL and MANUEL UZIEL,

Defendants-Appellants.

Appeal from the United States District Court for the Southern District of New York

---

APPENDIX OF DEFENDANT-APPELLANT ANTONIO BORREGO VIDAL



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PAGINATION AS IN ORIGINAL COPY

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CRIMINAL DOCKET

JUDGE GRIESA

73 CRIM. 994

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U.S.:
vs.	W.Cullen MacDonald,AUSA
BENJAMIN RODRIGUEZ,a/k/a Benny One-Eye 1&2	264-6427
ANTHONY STANZIONE 1&2	
ANTONIO BORREGO-Vidal 1&2	
MANUEL UZIEL 1&2	
LUIS GOMEZ ORTEGA-1-8 2	For Defendant:
JOSE RODRIGUEZ BAEZA 1&2	
WILLIAM SHERMAN TERRELL,a/k/a Goldfinger 1&2	
ROCH ORSINI 1&2	
JOHN DOE, a/k/a El Gallego 1&2	

ABSTRACT OF COSTS (07)	AMOUNT
Fine,	
Clerk,	
Marshal, 6,6,7,4,3	
Attorney,	
T21 846.848,841(a)(1) (b)(1)(A).Consp. to violate Narcotic Laws of the U.S.(Ct1).Distr.& possess. w/intent to distr.Heroin. (Ct2) Narcotic Criminal enterprise.(Ct3) (Three Counts)	

CASH RECEIVED AND DISBURSED

DATE	NAME	RECEIVED	DISBURSED
5/19/75	Attorney	100,000 —	
5/20/75	Treas. (Bail Forfeiture)		100,000 —

DATE	PROCEEDINGS
10-29-73	Filed indictment. (assigned to Judge Griesa as related matter)Case relate to 73Cr713 and 73 Cr 978).
10-30-73	Jose Rodriguez Baeza-Filed affidavit and notice of motion for an order to suppress, sever, discovery and inspection.
	Manuel Uziel
10-30-73	Filed affidavit and notice of motion for an order to sever, discovery and inspection.
11-2-73	Filed affdvt in opposition to motion to dismiss.
11-2-73	ANTHONY STANZIONE - Filed Information ; Section 849 of Title 21.

(cont'd on page 2)

DATE	PROCEEDINGS	CLERK'S FEES PLAINTIFF	CLERK'S FEES DEFENDANT
1-2-73	Motion for severance by defts' Uziel,Baeza and Ortega denied. Motion for severance by deft. Stanzione Dec. Res. Griesa,J.		
11-7-73	Baeza-Filed memo. endorsed on deft's motion filed 10/30/73 Disposed of Items 2 & 3 as per record of hearing 11/2/73. Item 1 deferred to trial. Griesa,J. (mailed notice)		
	Uziel-Filed memo. endorsed on deft's motion filed 10/30/73 "Motion denied. So ordered. Griesa,J. (M/N)		
11-7-73	Ortega- Filed affidavit and notice of motion filed 10-3073 for severance, double jeopardy, Collateral estoppel and selective prosecution.		
11-7-73	Ortega- Filed memo. endorsed on deft's motion filed 10-30-73. " Item (a) of motion denied. Items(b)(c) & (d) deferred as to record of hearing Nov. 2, 1973. So ordered. Griesa,J.(m/n)		
11-8-73	JOSE RODRIGUES BAEZA - Filed Order. ORDERED that subpoena be issued for all records relating to the acct of deft., and subpoena be served without prepayment of costs & fees. GRIESA,J.		
11-9-73	JOSE R. BAEZA - Filed CJA Form # 21, Authorization and voucher for interpreter fees. GRIESA,J.		
11-16-73	JOSE RODRIGUEZ BAEZA - Filed Order. Deft. is to reside at Community Treatment Center as condition of his remaining at liverty on bail. GRIESA,J.		
11-27-73	MANUEL UZIEL - Filed CJA Form # 21 - authorization for transcript.		
11-27-73	GEORGE W. PEREZ - Filed CJA Form # 21 - authorisation for transcript.		
12-6-73	WILLIAM S. TERRELL - Filed deft. memo of law in support of motion for judgment of acquittal.		

Cont'd on page 3

DATE	PROCEEDINGS
2-13-73	WILLIAM S. TERRELL - Filed defts. requests to charge.
2-18-73	Filed Govt's. requests to charge.
1-9-73	Deft. ORTEGA - motion for severence - Granted. GRIESA,J.
1-12-73	Deft. STANZIONE - motion to suppress - Denied. GRIESA,J.
11-13-73	Defts. RODRIGUEZ,STANZIONE UZIEL BAEZA AND TERRELL - PLEAD NOT GUILTY.
13-73	Jury Trial begun before GRIESA,J. as to defts. RODRIGUEZ,STANZIONE,UZIEL, BAEZA AND TERRELL.
11-14-73	Trial cont'd.
11-15-73	Trial cont'd. Deft. STANZIONE motion for mistrial denied.
11-16-73	Trial Cont'd.
11-19-73	Trial Cont'd. Deft. RODRIGUEZ motion for mistrial denied.
11-20-73	Trial Cont'd.
11-21-73	Trial Cont'd.
11-26-73	Trial Cont'd.
11-27-73	Trial Cont'd.
11-28-73	Trial Cont'd.
11-29-73	Trial Cont'd. Deft. BAEZA motion to suppress granted.
11-30-73	Trial Cont'd.
12-3-73	Trial Cont'd. Deft.RODRIGUEZ motion for acquittal denied on ct.1 Dec. Res. ct.2. DEFT. STANZIONE motion for acquittal denied on ct 1 , Dec.Res. ct.2.
12-4-73	Trial Cont'd.
12-5-73	Trial Cont'd. Defts. RODRIGUEZ & STANZIONE motion to dismiss ct.2 denied. BAEZA motion to dismiss ct. 2 Granted.
12-6-73	Trial Cont'd.
12-10-73	Trial Cont'd.
12-11-73	Trial Cont'd.
12-12-73	Trial Cont'd.
12-13-73	Trial Cont'd.
12-14-73	Trial Cont'd. RODRIGUEZ - NOT GUILTY . TERRELL - NOT GUILTY. BAEZA - GUILTY on Count 1.

Cont'd. on page 4

DATE	PROCEEDINGS
12-15-73	Trial Cont'd.
12-17-73	Trial Cont'd.
12-18-73	Trial Cont'd.
12-18-73	Trial Cont'd and Concluded. Jury dead locked as to defts. STANZIONE & UZIEL, Motion for mistrial as to defts. STANZIONE & UZIEL - Granted. GRIESA,J.
1-7-74	BENJAMIN RODRIGUEZ - Filed CJA # 21- Authorization for transcripts. GRIESA,J.
1-7-74	MANUEL UZIEL - Filed affdvt. & motion of motion supporting the "third count" of the indictment and for a separate trial thereon and to sever said deft. from the other defts. and granting a separate trial- ret. 1-11-74.
1-8-74	Filed Govt's. memo of law.
1-8-74	Filed Govt's. memo of law.
1-9-74	Filed Govt's. affdvt. in opposition to deft. UZIEL motion for severance.
1-15-74	BENJAMIN RODRIGUEZ - Filed CJA Form # 21. Authorization for interpreter fees. GRIESA,J.
1-24-74	JOSE R. BAEZA - Filed affdvt. and notice of motion for new trial. Ret. 2-1-74.
1-24-74	MANUEL UZIEL - Filed MEMO END on deft. motion to sever. Motions denied, as recorded in minutes of hearing 1-22-74. GRIESA,J.
1-24-74	LUIS ORTEGA - Filed notice of motion to dismiss indictment and MEMO END. Motion denied, as recorded in minutes of hearing 1-22-74. So Ordered. GRIESA,J.
1-24-74	XXXXXXXXXX FILED affdvt. of COONEY, AUSA for W/H/C/ ad pros.
1-31-74	ANTONIO BORREGO VIDAL.- Filed Notice of appearance by Oscar A.White, 209 East. Flagler St., Miami , Fla. (358-1153)
2-1-74	JOSE R. BAEZA - Sentence adj'd. until Mar. 1- 74 at 10 a.m.P.S.I. Ordered. Deft. remanded. GRIESA,J.
2-11-74	ANTONIO BORREGO VIDAL - Filed notice of motion Re: petition to discharge bond.
2-11-74	LUIS ORTEGA - Filed defts. demand for B/P.
2-11-74	ANTONIO B. VIDAL - Deft. NOT PRESENT - Court enters plea of not guilty. Trial date set for 3-4-74 at 10: a.m. GRIESA,J.
2-11-74	ANTONIO B. VIDAL - Filed the following papers received from U.S. Magistrate: Docket Entry Sheet, Indictment Warrant and Disposition Sheet.
2-14-74	Docketed transcript of record of proceedings dated 11-8-73 and filed 1-31-74.

Cont'd on page 5

DATE	PROCEEDINGS
-14-74	Filed Govt's affdvt in opposition to deft. ORTEGA to proceed in forma pauperis.
-14-74	Filed Govt's. memo of law.
-15-74	VICTOR EUPHEMIA - Filed W/H/C Ad Test. Writ issued and ret. 2-22-74.
-15-74	JOSEPH RAGUSA - Filed W/H/C Ad Test. Writ issued and ret. 2-25-74.
-19-74	STANZIONE, VIDAL, VZIEL & ORTEGA - Trial set for 5-6-74 at 10 a.m. GRIESA,J.
-21-74	ANTONIO BORREGO VIDAL - Filed affdvt. and motion for severance.
-26-74	VICTOR EUPHEMIA - Filed affdvt. for W/H/C Ad Test. Ret. 3-12-74.
-26-74	JOSE R. BAEZA- Filed MEMO END on defts. motion filed 1-24-74. Motion denied. See minutes 2-25-74. So Ordered. GRIESA,J.
-74	JOSE R. BAEZA- Filed notice of appeal from judgment rendered of March 4-74. m/n leave to appeal in forma pauperis is granted-Griesa J.
-6-74	
-6-74	Jose Baeza - Filed CJA Form # 21, authorization and voucher for Joaquin R. Guma in the amt. of $108.00. GRIESA,J.
-6-74	B. RODRIGUEZ - Filed CJA Form # 21, Authorization and voucher for M.E. Cardenas, in the amt. of $36.00. GRIESA,J.
-27-74	~~GORDON H. McCOLLUM--Deft(Atty Present)-Filed Judgment #----------;-and--Issued copies: --It Is Adjudged that the deft: is to be FINED $10,000. on each of cts: 1,16,17,-6 34: Non committed fine totaling $40,000. shall be paid on or before 5 p.m.-- March 12, 1974: Cts: 2 thru 15,18 thru 33, 35 thru 55 and 58 thru 61 that is, all remaining cts: against said deft: are dismissed upon motion be defts: counsel with--consent of the Govt: GRIESA,J:~~ error see 72 Cr. 1356.
-27-74	~~GLENN R. MILLER Deft. (Atty. Present) Filed Judgment #----------and issued--copies: It Is Adjudged that the deft: is to be fined $10,000. on each of cts: 1,16,17,&-34; Non-committed fine totaling $40,000. shall be paid on or before 5 p.m.; --3-12-74. Cts: 2 thru 15,18thru33 & 35 thru 55 that is all cts: against said deft: are--dismissed upon motion by defts, counsel with consent of the Govt. GRIESA,J:~~ Error see 72 Cr.1356.
-74	JOSE R. BAEZA - Deft.(Atty. Present) Filed Judgment and commitment and issued copies. It Is Adjudged that the deft. is hereby committed to the custody of the Atty. Gen. or his authorized representative for imprisonment for a period of SEVED (7) Years. GRIESA,J.
-14-74	B. RODRIGUEZ - Filed CJA Form # 21, authorization and voucher for interpreter M.E. Cardenas in the amt. of $144. GRIESA,J.
-21-74	B.RODRIGUEZ - Filed CJA Form # 21, authorization and voucher for Transcript. GRIESA,J.

DATE	PROCEEDINGS
3-25-74	BORREGO-VIDAL - Filed motion for serverance and motion to discharge surety.
3-26-74	M. UZIEL- Filed notice of appearance by Sidney Meyers, 51 Chamber St., New York, N.Y. (Document received in court on July 25-73, but never entered on the docket until today
3-26-74	M. UZIEL- Motion to request the appointment of an expert in handwritting, etc. (Document received in court on Dec 5-73, but never entered on the docket until today)
3-26-74	L. G. ORTEGA- Notice of motion for dismissal of the indictment; granting discovery and granting deft. a Bill of Particulars and further relief. (Document received in court on Nov. 7-73, but never entered on the docket until today.)
3-27-74	A.BORREGO VIDAL - Deft. motion for severecne is denied.
3-28-74	Filed W/H/C Ad Test. of Victor Euphemia. Writ satisfied 3-15-74. MOTLEY,J.
4-3-74	Filed Govt. notice of motion for forfeiture of bail and for judgment on forfeiture of appearance bond . Deft. BORREGO VIDAL; with affdvt.
3-27-74	Filed notice that record has been transmitted to the U.S.C.A.
4-3-74	JOSE R. BAEZA - Filed true copy of J/C with marshals return; Deft. committed 12-14-73 following arrest.
4-15-74	ANTONIO BORREGO VIDAL - Filed affdvt. of Oscar A. White.
4-15-74	BORREGO VIDAL - Filed affdvt. of Samuel Siegel.
4-3-71	Filed affdvt. for W/H/C/ Ad Test. of Rovena Everett, Ret. 4-8-74.
4-16-74	ANTHONY STANZIONE - Defts. motion to have Indictment 74 Cr.251 C.L.B., naming STANZIONE as one of the defts. transferred to Judge Griesa - Denied. GRIESA,J.
4-19-74	Filed Order that Agt. of the Federal Drug Enforcement Administration pick up George Warren Perez for conference with U.S. Atty. at the Office of the U.S. Atty. PIERCE,J.
4-23-74	ANTONIO B. VIDAL - Filed Affdvt. for W/H/C Ad Pros. Ret. 5-2-74.
4-25-74	ANTONIO B. VIDAL - Filed W/H/C Ad Pros. Writ satisfied.
4-19-74	LOUIS G. ORTEGA - Filed W/H/C Ad Pros.
5-1-74	ANTHONY STANZIONE - Filed MEMO END on deft. motion for severance. Motion Denied. See minutes of 3-27-74. So Ordered. GRIESA,J.
5-3-74	LUIS GONEZ ORTEGA - Filed Govt. memo of law in support of motion pursuant to Rule 46
5-3-74	Filed ORDER that Joan Moreland be picked up from Rikers Island by Agents of the Fed. Drug Enforcement Administration Task Force for the purpose of conference with U.S.Atty. GRIESA,J.
May 8-74	Filed one sealed envelope; ordered sealed and placed in vault in Room 602. GRIESA,J.

Cont'd on page 7

DATE	PROCEEDINGS
-74	Filed true copy of Order filed 5-3-74 with marshals return executed same 5-3-74.
10-74	Filed CJA Form # 21 Authorization and voucher for transcripts. (2)
17-74	Filed CJA Form # 21 Authorization and voucher for transcripts. GRIESA,J.
15-74	STANZIONE - Filed CJA Form # 21 Authorization and voucher for interpreter. GRIESA,J.
2-74	STANZIONE - Filed CJA Form # 21 Authorization and voucher for interpreter. GRIESA,J.
5-74	JOE BAZZA - Filed CJA Form # 20 - Appointment and voucher for Atty. fees, to Stuart Holtzman. GRIESA,J. & KAUFMAN,J. (filed in 73-713)
-74	Jury Trial began as to Deft's STANZIONE, VIDAL, UZIEL and ORTEGA. Deft's STANZIONE APPLICATION FOR SEVERENCE DENIED. -- GRIESA, J.
-74	Trial continued.
-74	Trial continued.
-74	Trial continued.
0-74	Trial continued.
1-74	Trial continued.
-74	Trial continued. Deft. STANZIONE application to Strike Deft's RODRIGUEZ and TERRELL from Indictment 73 CR 994 -GRANTED.
-74	Trial continued.
-74	Trial continued.
-74	Trial continued.
29-74	Trial continued. APPLICATION By DEFT. UZIEL TO CONTINUE PRO-SE -DENIED.
1-74	Trial continued.
2-74	Trial continued.
3-74	Trial continued.
4-74	Trial continued.
-74	Trial continued. Gov't rests. Deft. ORTEGA application for Judgment of Acquittal GRANTED as to Count 3. Writ satisfied.
8-74	Trial continued.
-74	Trial continued.
-74	Trial continued.
-74	Trial continued.
-74	Trial continued.
-74	Trial continued. All Deft's rest. all Deft's motions for Judgment of acquittal- DENIED.
-74	Trial continued.
-74	Trial continued. Jury starts deliberations.
-74	Trial continued. Jury out.
10-74	Trial continued. Jury out.
-74	Trial continued. Deft's STANZIONE, VIDAL and UZIEL motion for MISTRIAL -GRANTED.
10-74	Filed transcript of record of proceedings, dated NOV 7 1973
-74	Filed transcript of record of proceedings, dated NOV 13 1973
-74	Filed transcript of record of proceedings, dated NOV 13 1973
-74	Filed transcript of record of proceedings, dated NOV 21 1973
-74	Filed transcript of record of proceedings, dated NOV 21 1973
10-74	Filed transcript of record of proceedings, dated DEC 6, 1973
-74	Filed transcript of record of proceedings, dated FEB 4, 1974
-74	Filed transcript of record of proceedings, dated FEB 22, 1974
-74	Filed transcript of record of proceedings, dated MAR 4, 1974

DATE	PROCEEDINGS
	[illegible] record of proceedings dated [illegible]
	[illegible] dated [illegible]
	[illegible] dated [illegible]
	[illegible] dated [illegible]
	[illegible] dated [illegible]
	[illegible] dated [illegible]
	[illegible] proceedings dated [illegible]
	[illegible] dated [illegible]
	[illegible] dated [illegible]
	[illegible] proceedings, dated [illegible]
	[illegible] dated [illegible]
	[illegible]
	Filed defts.' petition to suppress evidence.
	Filed true copy of mdate of the U.S.C.A. that the judgment appeal [illegible] be affirmed. Mdate filed.
	Filed Govt. motion for writ of habeas corpus ad pros. ad test. Louis Gomez Jr. and the writ is allowed. Pierce,J.
	WRIT SIGNED. Pierce,J.

Cont'd on page 10

DATE	PROCEEDINGS
Jun.26-74	Luis Borrego-Vidal-CJA 21-Appointment of Norma S. Seltzer, 20 East 35th St.N.Y.C. 10016-Interpreter. Mailed notice. Griesa,J.
May31-74	Jose R. Baeza-Filed CJA 21 approval for payment for services of, U.S. Court Reporters. Griesa,J. Mailed copies.
May.31-74	A.Borrego-Vidal-Filed CJA 21 approval for payment for services, of Mrs. Maria E. Cardenas. Griesa,J. Mailed notice.
May.31-74	Luis Ortega-Filed CJA 21 approval for payment for services, Mrs. Norma S. Seltzer. Griesa,J. Mailed notice.
Jun.4-74	Luis Ortega & A. Borrego Vidal-Filed CJA 21 approval for services of Norma S. Seltzer. Mailed copies. Griesa,J.
Jun.7-74	A.Barrego Vidal-Filed CJA 21 approval for payment for services of, Mr. Ed. Manley. Mailed copies. Griesa,J.
Jun.14-74	A.Burrego Vidal-Filed CJA 21 approval for payment for services of, Norma S. Seltzer . Mailed copies. Griesa,J.
Jun.21-74	Manuel Uziel-Filed CJA 21 approval for payment for services of, So. Dist. Court Reporters. Mailed copies. Griesa,J.
Jun.21-74	A.Borrero Vidal-Filed CJA 21 approval for payment for services of, So. Dist. Court Reporters. Mailed Copies. Griesa,J.
Jun.24-74	A.Borrero Vidal-Filed CJA 21 approval for payment for services of, So. Dist. Court Reporters, Mailed copies. Griesa,J.
Jun.26-74	Luis Borrego Vidal-Filed CJA 21 approval for payment for services of, Norma S. Seltzer. Mailed copies. Griesa,J.
Jul.18-74	A.Borrego Vidal-Filed CJA 21 approval for payment for services of, Mrs. Maria E. Cardenas. Mailed copies. Griesa,J.
9/17/74	Filed memo-end. on letter from Jose Baeza to Judge Griesa the motion for reduction of sentence is granted and the sentence is reduced to five years. Griesa,J. mn
9/17/74	JOSE RODRIGUEZ BAEZA- (atty. present) filed AMENDED JUDGMENT- It is ajudged that the deft. is guilty as charged and convicted and judgment imposed on 3/4/74 is reduced. It is adjudged that the deft. is hereby committed to the custody of the Atty. Gen'l. for imprisonment for a period of FIVE (5) YEARS. Griesa,J. issued copies. ent. 9/24/74
9/20/74	J.R. BAEZA - Filed Comm. AMENDED Ret. Comm. with Judgment & ~~Not delivered to~~ BY MARSHAL A.G.A. TO AT ATLANTA, GA WHERE DEFT. IS SERVING HIS SENTENCE.
9/27/74	Uziel- Filed CJA 20 appointment of atty. Sidney Meyers, mailed copies by the CJA dk. and approval for payment of Norma. Seltzer,J.

DATE	PROCEEDINGS
1/13/75	Deft. Stanzione- filed notice of motion re: dismissal,etc.
1/13/75	Deft. Stanzione- filed memo. of law in support of motion to dismiss.
1/28/75	Deft. Stanzione not appearing before the Court, bail is hereby forfeited and a bench warrant is ordered issued. Knapp,J.
1/28/75	A. Stanzione- Bench warrant issued.
2/4/75	J. Baeza- filed memo-end. on letter from deft. to Judge Griesa... Application for reduction of sentence denied. Griesa,J. mn pro-se
02-24-75	Filed deft. Anthony Stanzione's memo. of law.
03-14-75	Filed deft. M. Uziel's affdvt. re: substitution of atty.
03-17-75	Filed deft. A. Borrego-Vidal' motion re: speedy trial.
3-25-75	Filed Govt.'s affdvt. for writ of habeas corpus ad pros. for A. Vidal retL 4-1-75.
4-04-75	Filed OPINION # 42191...deft. A. Stanzione's motion to dismiss is denied...Knapp,J. mn
[illegible]-75	Filed deft's(Uziel) notice of motion with memorandum in support to dismiss Indictment
4-02-75	Filed Govt.'s notice of motion for forfeiture of bail and for judgment on forfeiture of appearance bond, ret: 5-9-75.
4-02-75	Filed Govt.'s memo. of law in support of motion for forfeiture of bail.
05-13-75	Filed ORDER that the U.S.A. have and recover judgment against the deft. A. Stanzione, and his surety Public Service Mutual Insurance Co., in the sum of $100,000. pursuant to Rule 46 FRCP. Knapp,J. mn
05-13-75	Filed ORDER in accordance with the Organized Crime Control Act of 1970 etc. Oscar White give testimony or provide other information in a proceeding before this Court and that any testimony or other information given by Oscar White pursuant to this order shall be subject to the immunity provisions of the O.C.C.A. of 1970 etc, Knapp,J. mn
5-01-75	Defts. Vidal & Oziel(attys. present) jury trial begun before Judge Knapp
5-05-75	Jury trial cont'd.
5-06-75	" " "
5-07-75	" " "
5-08-75	" " "
5-09-75	" " "
5-12-75	" " "
5-13-75	" " "
5-14-75	" " "

-cont'd. on next page-

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	D Ju
05-15-75	Jury trial cont'd and concluded. Jury retires to deliberate at 10:30AM jury returns at 3:30 PM with a verdict, as to deft. Vidal only, of guilty on counts 1 & 2. Pre-sentence investigation ordered. Sentence adj. to 6-25-75 at 4PM. Bail cont'd. deft. remanded in lien of bail.	
	Jury returns at 11:15 with a partial verdict as to the deft. Oziel and finds the deft. guilty on count 1; no verdict on count 2. Pre-sentence investigation ordered. Sentenceadj.to 6-25-75 at 4/ Deft. cont'd. on present bail until 5-29-75 at 10:30 when deft.shall surrender to the U.S. Marshal in room 506. Knapp,J.	
05-29-75	Filed OPINION # 42497-...Accordingly, any motion made by the deft. fo dismissal or for a new trial based on the unavailability of the INS file, will be denied. Knapp,J. mn	
06-06-75	Filed ORDER that the Govt.'s motion to substitute copies for original exhibits numbered 4a,4b, and 4c at the trial of the above-captioned case is hereby granted. Knapp,J. mn	
06-27-75	Filed Govt.'s memo. of law	
06-27-75	Filed deft. Stanzione's memo. in support of motion to strike.	
06-27-75	Filed Govt.'s memo. of law re: opposition to motion to strike.	
06-27-75	Filed deft. Vidal's memo. of law re: support of motion to suppress.	
06-27-75	Filed deft. Ortega's memo. of law re: support of appl. for judgmt. of acquittal pur to Rule 29 of FRCP.	
06-27-75	Filed Govt.'s memo. of law re: opposition to motion of deft. Gomez for judgmt. of acquittal.	
06-27-75	Filed memo. of law in support of atty. client privilege and prejudicial effect of counsel testimony by deft Vidal.	
06-27-75	Filed motion for judgment of acquittal by deft. B. Vidal.	
06-27-75	Filed deft. Vidal's memo. of law .	
06-27-75	Filed deft. Vidal's motion to compel production of evidence.	
06-27-75	Filed Govt.'s memo. of law in opposition to deft. Vidal's claim of atty. Client privilege.	
06-27-75	Filed Govt.'s memo. of law.	
06-27-75	Filed Govt.'s requests to charge.	
06-27-75	Filed deft. Vidal's requests to charge.	
06-25-75	MANUEL UZIEL (atty.present) Filed JUDGMENT - deft. is committed to the custody of the Atty. Gen'l. for imprisonment for a period of TWOand ONE-HALF (2½)YEARS on count 1 and pursuant to T.21,U. 841 THREE (3) YEARS Special Parole to commence upon the expirat of the term of imprisonment. Knapp,J. issued all copies.	
06-25-75	ANTONIO BORREGO VIDAL(atty.present) Filed JUDGMENT- deft. is committe to the custody of the Atty. Gen'l. for imprisonment for a period of TEN(10) YEARS on count I to run consecutively to the sentence imposed in the U.S. District Court in Fla, and TEN(10) YEARS on count 2 to run consecutively to the sentence imposed on count 1 and THREE (3) YEARS Specia Parole pursuant to T.21,U Sec. 841 to commence upon the expiration of the term of impri* sonment on count 2. Execution of the sentence imposed on count is hereby suspended and the deft. placed on probation for a per of FIVE(5) YEARS to commence upon the expiration of the term of imprisonment imposed on count 1. Knapp,J. issued all copies	

DATE	PROCEEDINGS	Date Ord Judgment
7-01-75	Filed M. Uziel's notice of appeal from judgment of 6-25-75. mailed notices.	
3, 1975	transcript of record of proceedings, dated May 5, 1975	
3 1975	transcript of record of proceedings, dated May 7, 1975	
3, 197	transcript of record of proceedings, dated May 6, 1975	
3, 197	transcript of record of proceedings, dated May 3, 1975	
3, 197	transcript of record of proceedings, dated May 14, 1975	
3, 197	transcript of record of proceedings, dated May 15 1975	
3, 1975	transcript of record of proceedings, dated Apr 30, 1975	
3 1975	transcript of record of proceedings, dated May 12, 1975	
3, 197	transcript of record of proceedings, dated May 8, 1975	
3, 197	transcript of record of proceedings, dated May 2, 1975	
5 197	transcript of record of proceedings, dated May 9, 1975	
-20-75	Filed affvt. for writ of habeas corpus ad pros. for A. B. Vidal. writ issued ret. 6-25-75.	
-26-75	Filed Unsecured Personal Recognizance Bond pending appeal for deft. Manuel Uziel in the sum of $25,000.	
-26-75	Filed affdvt. for writ of habeas corpus ad pros. for A. B. Vidal 5-19-75 Knapp,J.	
-10-75	A. Vidal- filed judgment and commitment and marshal's return: deft. delivered to -7-2-75 recived this judgment & commitment -and executed same by forwarding copy to Warden of U.S. Penitentiary at Atlanta,Ga., the facility in which the deft. is presently serving a sentence imposed in the U.S. District Court in Florida.	
07-07-75	VIDAL: Filed notice of appeal from final judgment entered (6-25-75) and denial of motion for acquittal or for a new trial and the denial of motion for adjudication of indigent status. (Mailed copy to deft. and to U.S. Atty.)	

A TRUE COPY
RAYMOND F. BURGHARDT, Clerk
By E. Thompson
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S.A.

vs

Mannie Uziel

CASE NO. 73CR994

JUDGE WK

CLERK'S CERTIFICATE.

I, RAYMOND F. BURGHARDT, Clerk of the District Court of the United States for the Southern District of New York, do hereby certify that the certified copy of docket entries lettered A- L, and the original filed papers numbered 1 thru 20, inclusive, constitute the record on appeal in the above entitled proceeding; except for the following missing documents:

DATE FILED	PROCEEDINGS
See attached docket for missing papers. They are circled	

IN TESTIMONY WHEREOF, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, this 21st day of July, in the year of our Lord, One thousand nine hundred and seventy-~~June~~, and of the Independence of the United States the 20 year.

R F Burghardt
Clerk of the Court.

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

D-8

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA :

- v - "S" 73 CRIM. 994

BENJAMIN RODRIGUEZ, a/k/a Benny One-Eye, :
ANTHONY STANZIONE, : INDICTMENT
ANTONIO BORREGO VIDAL, :
MANUEL UZIEL, : S 73 Cr. (TPG)
LUIS GOMEZ ORTEGA, :
JOSE RODRIGUEZ BAEZA, :
WILLIAM SHERMAN TERRELL, a/k/a Goldfinger, :
ROCH ORSINI and :
JOHN DOE, a/k/a "El Gallego", :

Defendants. :

U.S. DISTRICT COURT
FILED
OCT 29 1973
S.D. OF N.Y.

COUNT ONE

The Grand Jury charges:

From on or about the 1st day of November, 1968, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York, and elsewhere, BENJAMIN RODRIGUEZ, a/k/a Benny One-Eye, ANTHONY STANZIONE, ANTONIO BORREGO VIDAL, MANUEL UZIEL, JOSE RODRIGUEZ BAEZA, WILLIAM SHERMAN TERRELL, a/k/a Goldfinger, ROCH ORSINI and JOHN DOE, a/k/a "El Gallego", the defendants, and Luis Gomez Ortega, Jean Orsini, a/k/a Jean Pierre Andre Huguen and George Warren Perez, named in this Count as co-conspirators but not as defendants, and others to the Grand Jury known and unknown, unlawfully, wilfully and knowingly combined conspired, confederated and agreed together and with each other to violate, prior to May 1, 1971, Section 1403 of Title 18, United States Code, Sections 173 and 174 of Title 21, United States Code, and Sections 4701, 4703, 4704, 4771 and 7237 of Title 26, United States Code, and, on and after May 1, 1971, to violate Sections 812, 828, 841(a)(1), 841(b)(1)(A), 843, 951, 952, 955, 959 and 960 of Title 21, United States Code.

73-1300
D-8

2. It was part of said conspiracy that prior to May 1, 1971 the said defendants unlawfully, wilfully, knowingly and fraudulently would import and bring into the United States large amounts of narcotic drugs from and through France, Mexico and other countries to the Grand Jury unknown in violation of Sections 173 and 174 of Title 21, and sections 4701, 4703-4, 4771 and 7237 of Title 26, United States Code.

3. It was further a part of said conspiracy that prior to May 1, 1971 the said defendants unlawfully, wilfully and knowingly would receive, conceal, buy, sell and facilitate the transportation, concealment and sale of a quantity of narcotic drugs, the exact amount and nature thereof being to the Grand Jury unknown, after the said narcotic drugs had been imported and brought into the United States contrary to law, knowing that the said narcotic drugs had been imported and brought into the United States contrary to law in violation of Sections 173 and 174 of Title 21, and Sections 4701, 4703-4, 4771 and 7237 of Title 26, United States Code.

4. It was further a part of said conspiracy that on and after May 1, 1971, the said defendants unlawfully, wilfully and knowingly would import into the United States from a place outside thereof Schedules I and II narcotic drug controlled substances, the exact amount thereof being to the Grand Jury unknown in violation of Sections 812, 951(a)(1), 952, 955 and 959-960 of Title 21, United States Code.

5. It was further a part of said conspiracy that on and after May 1, 1971 the said defendants unlawfully, wilfully and knowingly would distribute and possess with intent to distribute Schedule I and II narcotic drug controlled substances, the exact amount thereof being to the Grand Jury unknown, and not pursuant to written order, all in violation of Sections 812, 828, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

D-8

6. It was further a part of said conspriacy that the said defendants unlawfully, wilfully, knowingly and intentionally would use a communication facility, to wit, the telephone, in committing and in causing and facilitating the commission of said conspiracy in violation of , prior to May 1, 1971, Section 1403 of Title 18, United States Code and, afterwards, Section 843(b) of Title 21, United States Code.

OVERT ACTS

In pursuance of said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

1. In or about April, 1969, the defendant JOSE RODRIGUEZ BAEZA and co-conspirator Luis Gomez Ortega delivered approximately $240,000.00 to co-conspirator George Warren Perez.

2. In or about September, 1969, defendant JOSE RODRIGUEZ BAEZA left New York City for Geneva, Switzerland.

3. In or about March, 1970, defendant BENJAMIN RODRIGUEZ rented a house in Belmar, New Jersey.

4. In or about August, 1970, defendants ANTONIO BORREGO VIDAL and JOHN DOE, a/k/a El Gallego met with defendant ANTHONY STANZIONE.

5. In or about November, 1970, co-conspirator Jean Orsini, a/k/a Jean Pierre Andre Huguen and the defendant ROCH ORSINI traveled from New York City to New Jersey.

6. On or about March 12, 1971, defendant MANUEL UZIEL and co-conspirator George Warren Perez rented a garage in Newark, New Jersey.

7. In or about June, 1971, defendant BENJAMIN RODRIGUEZ, a/k/a Benny One-Eye, met with co-conspirator Luis Gomez Ortega.

8. In or about June, 1971, co-conspirator Luis Gomez Ortega telephoned defendant ANTHONY STANZIONE.

9. On or about July 12, 1971, defendant ANTHONY STANZIONE went to the vicinity of 1840 Loring Place, Bronx, New York.

10. On or about July 21, 1971, co-conspirator Luis Gomez Ortega withdrew approximately $500,000.00 from the First National Bank of Fort Lee, Fort Lee, New Jersey.

11. On or about September 17, 1971, defendant MANUEL UZIEL went to the vicinity of 992 Amsterdam Avenue, New York, New York.

12. On or about September 19, 1971, the co-conspirators Luis Gomez Ortega, Jean Orsini and George Warren Perez went to the vicinity of Madison Square Garden, New York, New York.

13. On or about September 23, 1971, defendant ANTONIO BORREGO VIDAL withdrew approximately $500,000.00 from the First National Bank of Fort Lee, Fort Lee, New Jersey.

(Title 21, United States Code, Sections 173, 174, 846 and 963.)

SECOND COUNT

The Grand Jury further charges:

On or about the 19th day of September, 1971, in the Southern District of New York, BENJAMIN RODRIGUEZ, a/k/a Benny One-Eye, ANTHONY STANZIONE, ANTONIO BORREGO VIDAL, MANUEL UZIEL, JOSE RODRIGUEZ BAEZA, WILLIAM SHERMAN TERRELL, a/k/a Goldfinger, ROCH ORSINI and JOHN DOE, a/k/a "El Gallego", the defendants, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately 516 grams of heroin hydrochloride.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

THIRD COUNT

The Grand Jury further charges:

From on or about the 1st day of May, 1971, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of

73-1300
D-8

New York, LUIS GOMEZ ORTEGA, named in this Count as the defendant, unlawfully, wilfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, wilfully, intentionally and knowingly did violate Title 21, United States Code, Sections 812, 828, 841(a)(1), 841(b)(1)(A), 843, 846, 951, 952, 955, 959 and 960 as alleged in Counts One and Two of this indictment, incorporated by reference herein, which violations were a part of a continuing series of violations of said statutes undertaken in concert with at least five other persons with respect to whom LUIS GOMEZ ORTEGA, occupied a position of organizer, supervisor and manager and from which continuing series of violations, he obtained substantial income and resorces.

(Title 21, United States Code, Section 848.)

Foreman

PAUL J. CURRAN
United States Attorney

United States of America vs.

United States District Court for

DEFENDANT: ANTONIO BORREGO VIDAL

the SOUTHERN DISTRICT of NEW YORK

DOCKET NO.: 73 Cr. 994 (WK)

JUDGMENT AND PROBATION/COMMITMENT ORDER

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH	DAY	YEAR
6	25	75

[ ] WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

[X] WITH COUNSEL Oscar White, Esq. (Name of counsel)

PLEA

[ ] GUILTY, and the court being satisfied that there is a factual basis for the plea. [ ] NOLO CONTENDERE,

U.S. DISTRICT COURT FILED JUN 25 1975 S.D. OF N.Y.

FINDING & JUDGMENT

There being a finding/verdict of [ ] NOT GUILTY. Defendant is discharged [X] GUILTY.

Defendant has been convicted as charged of the offense(s) of unlawfully, intentionally and knowingly distributing and possessing with intent to distribute a Schedule I narcotic drug controlled substance, and conspiring to do so(T. 21, U.S.C., Secs. 173, 174, 812, 841(a)(1), 841(b)(1)(A), 846 and 963).

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of ten (10) years on count 1 to run consecutively to the sentence imposed in the U.S. District Court in Florida, and ten (10) years on count 2 to run consecutively to the sentence imposed on count 1 and three (3) years special parole pursuant to T. 21, U.S.C., Sec. 841 to commence upon the expiration of the term of imprisonment on count 2. Execution of the sentence imposed on count 2 is hereby suspended and the defendant placed on probation for a period of five (5) years to commence upon the expiration of the term of imprisonment imposed on count 1.

SPECIAL CONDITIONS OF PROBATION

MICROFILM

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

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SIGNED BY

[X] U.S. District Judge

[ ] U.S. Magistrate

Date 6-25-75

GEORGE WARREN PEREZ, called as a witness by the Government, being first duly sworn, testified as follows:

MR. BELLER: Mr. Perez will respond in English for the moment.

DIRECT EXAMINATION

BY MR. BELLER:

Q Do you understand my questions in English, do you not?

A Yes.

Q Do you speak English?

A That is correct.

Q What is your native language?

A Spanish.

Q In which language do you feel most comfortable testifying?

A I will prefer in Spanish.

Q You don't need an interpreter for my questions, do you?

A Possibly no. I believe no.

MR. BELLER: Mr. Landreth will be here to interpret for the witness.

THE COURT: I will tell you that the Government thought that the testimony would be clearer to you if trans-

lated. So what I have ruled is that the questions will be asked in English and the witness will answer through the interpreter and that is going to be clearer to you.

However, on cross-examination, I think the witness shouldn't have the benefit of the interpreter and so he will in the instance of cross-examination be required to answer in English. If there is any answer you don't understand he will answer through the interpreter.

Any time in any proceeding that you can't hear or anything else, raise your hand and indicate it.

Has the interpreter been sworn?

MR. BELLER: Not yet.

(Edward Landreth was sworn by the Clerk as the interpreter.)

THE COURT: Mr. Landreth, in each instance thed question will be asked in English and you will translate the answer.

Q Mr. Perez and Mr. Landreth, because of the acoustics in here it may be difficult to hear you at the end of the jury box so I will ask both of you to keep your voices up at all times. All right?

Mr. Perez, where were you born?

A In Havana, Cuba.

THE COURT: Do the preliminaries in English.

Q When did you come to the United States?

A May 27, 1950.

Q Have you been living in the United States since then?

A Correct.

Q What country are you a citizen of?

A The United States.

Q How have you been employed since you have come to the United States?

A Well, I have had different jobs.

MR. ALTER: May we approach the bench?

(At the side bar.)

MR. ALTER: The problem we had in the last trial is the same and that is the proximity to the witness of the bodyguard, it is intimidating.

THE COURT: I don't know that he is a bodyguard and I don't know if all the jurors do.

MR. ALTER: If he could just be seated in the back of the room or find a chair.

MR. BELLER: My understanding has been that any witness in protective custody one of the marshals has to be next to him and the agent is being unobstrusive as possible.

THE COURT: We can put an extra chair there

where the stenographer is.

MR. ALTER: Fine.

THE COURT: But don't do it right now, do it at a break.

t3 jwa Perez-direct 100

(In open court.)

BY MR. BELLER:

Q Mr. Perez, I think I asked you have you been employed in the United States and my memory is you started out by saying you had several jobs. Would you continue, please?

A In 1958 I established a business of a travel agency.

Q What was the name of the travel agency?

A Via Worldwide Tours.

Q And where was it located?

A 992 Amsterdam Avenue, New York City.

Q Is it still in business?

A Yes, sir.

Q What was the business of the Via Worldwide Tours?

A It sells tickets -- travel tickets.

Q Who operated the business?

A I beg your pardon?

Q Who operated the business, who ran it?

A Until 1971 I was in charge of the office along with my wife.

Q Mr. Perez, I show you Government's Exhibit 1 for identification. Do you recognize that exhibit?

A Correct.

Q What is it?

A Luis Gomez Ortega.

Q Have you ever met him?

A Correct.

MR. BELLER: Your Honor, at this time the government offers Exhibit 1 in evidence.

THE COURT: Come up here.

(At the side bar.)

THE COURT: On this subject-to-connection business, as you know, the federal law, as opposed to state law, once I find the evidence has been connected, then it comes in for all purposes.

That being the case, if I find it has not been connected, I strike it and explain it to the jury. If I fidn it has been and if I have admitted it subject to connection, I have to explain to the jury what that means, and there is no way I have been able to figure out to do that.

So what I do in these cases is all evidence is assumed to come in subject to connection and no objection needs to be taken on that ground, and at the close of the trial you have a motion to strike any evidence that you deem to not have been connected. There-

fore, there is no need of saying subject to connection.

MR. ALTER: Does that apply to hearsay as well?

THE COURT: No, hearsay is different. If you have an objection on the ground of hearsay you have got to make it.

MR. ALTER: I am talking about co-conspirator hearsay.

THE COURT: If the only way it gets in is on the ground of conspiracy, you don't have to make the objection. The objection is assumed. But any other objection you have to make.

MR. ALTER: Yes, sir.

THE COURT: Any objection solely based on the ground it is a co-conspirator's act or declaration or any other way, subject to connection, that I have to find, that objection is assumed.

MR. ALTER: Thank you.

(In open court.)

MR. BELLER: We offer Exhibit 1 in evidence.

(Government's Exhibit 1 was received in evidence.)

Q Mr. Perez, when did you first meet Luis Gomez Ortega?

A In the summer of 1967.

Q And where did you meet him?

A At my office.

Q Do you recall if anyone else was present?

A Correct. He was introduced to me by another client of mine -- by a client of mine by the name of Roberto Martinez.

Q How did you know Roberto Martinez?

A He was a client of mine for two or three years.

Q What kind of business was he in, Roberto Martinez?

A In narcotics.

Q What happened when Martinez came to your office with Ortega?

A He introduced me to Ortega as a person who was going to buy lots of tickets from me and that his principal business was tequila and perico.

Q Had you heard those terms before?

A Yes.

Q What did you understand by those terms?

A The tequila means heroin and perico, parrot,

cocaine.

Q Subsequent to that meeting did Mr. Ortega become a client of yours, become one of your customers?

A Immediately after that he was my client.

Q What kind of business did you conduct with Mr. Ortega?

A He would buy tickets from me to different parts of the United States, especially in Miami, Chicago, et cetera.

Q Did there come a time when you had a conversation with Mr. Ortega about foreign or overseas travel?

A Correct.

Q Approximately when was that?

A September or October of 1967.

Q Do you recall where you had that conversation?

A At my office.

Q What did Mr. Ortega say and what did you say?

MR. PANZER: Your Honor, I object.

THE COURT: You object to what?

MR. PANZER: To the conversation, because it is not within the conspiracy. The conspiracy started in 1968 and he is talking about a conversation in

say, "Now I have got it down, I don't have to remember it." And those two factors tend to make people rely on what is written in front of them rather than on what they remember.

Experience has been over a period of time that it is better to kind of compel people to rely on what they remember. Then, of course, when you come to deliberations and an issue comes up and you want what was actually said, you can always have the stenographer tell us and the stenographer reads back what was said.

The law also says if your recollection is different from what the stenographer said, your recollection controls.

Q Mr. Perez, I asked you whether there came a time when you discussed foreign travel with Mr. Ortega?

A Correct. In September or October, 1967, Mr. Ortega communicated to me that he wanted to travel to Europe.

MR. PANZER: Your Honor, I still have a pending objection that still has not been ruled on in this case.

THE COURT: It was ruled on in the robing room.

BY MR. BELLER:

Q Please continue.

A Shall I repeat?

Q The question was whether you discussed with Ortega foreign travel or overseas travel.

A Correct. I will repeat. In September or October of '67 Ortega came to my office. He gave me to know that he wanted to travel to Europe to make European connections to bring heroin here. He asked me whether I could obtain an American passport.

I explained to him that no, that if he wasn't an American citizen he couldn't obtain one.

He said to me that he would try to obtain one in other ways.

Q Did you see him again thereafter?

A Correct.

Q When was that?

A About a month later, approximately. He came to my office with an American passport.

Q Did you have occasion to issue a ticket for Mr. Ortega?

A Correct. He bought a ticket from me for New York to Madrid.

Q Did you have a conversation with him at that

time?

A Correct.

Q What did he say and what did you say?

A He communicated to me that he was taking with him $100,000, that he had possibilities of making some very good connections in Marseilles and in Spain.

Q Mr. Perez, I show you Government's Exhibit 2 --

THE COURT: Now, ladies and gentlemen, for technical reasons, which I won't bother you with, the only part of that testimony that was admissible was the last part about what he planned to do when he went to Spain. The part about the passport is inadmissible. The witness had no way of knowing what my ruling was in there. Therefore, you should disregard it. It isn't that important. Anyway, it doesn't seem to me that important. However, you should disregard about the passport and how Ortega got it. I can't see its importance one way or another in any event.

Q I show you Government's Exhibit 2 for identification. Can you identify that exhibit for the jury, please?

A Yes, correct.

Q What is it?

A It's a ticket made up by our office in the name of Benito Arroyo from New York to Madrid on October 6, '67.

Q For whom was that ticket issued?

A For Luis Ortega Gomez, who had brought me a passport which he had obtained illegally, I imagine, under the name of Benito Arroyo.

MR. ALTER: Objection.

THE COURT: Sustained.

Q Who issued that ticket?

A My office, but it was made up by me personally.

Q Is that ticket a record kept in the ordinary course of business?

A Correct, yes.

Q Was it the ordinary course of the business to keep such records?

A Correct, these records we maintain in our office. This is the agent's coupon.

MR. BELLER: Your Honor, at this time the government offers Exhibit 2 in evidence and also Government's Exhibit 3 for identification, which I am

handing to defense counsel.

MR. ALTER: May I voir dire the witness briefly as to this document?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. ALTER:

Q Mr. Perez, is this your handwriting that appears on it?

A Yes, sir.

THE COURT: Mr. Perez, you understand when they question, you answer directly. Don't answer through the interpreter when the defendant questions.

Q Is the method of payment indicated on this document?

A Could you repeat your question?

Q There is a price for the ticket. Does this ticket reflect how you received those funds, in what form?

A Cash. Sometimes it is marked on the tickets whether cash was paid or checks or credit card. But that doesn't reflect that.

Q What does this reflect as the mode of payment?

A I must see the ticket again.

Q Please answer me in English.

THE COURT: After these questions just stand away, Mr. Interpreter.

A In that particular ticket doesn't show the ticket was paid credit card or in cash, but was paid in cash because that is the only way Ortega used to pay for his ticket. It's a form of payment. Say form of payment but it's in blank. I don't fill it out at that particular time.

Q Then you are relying on your memory?

A No, I am sure it was paid in cash, always paid in cash.

Q Does this ticket reflect whether or not the travel indicated on here was in fact performed?

A Well, that -- the ticket showed on the date the person was traveling. I know around when the person was traveling --

THE COURT: But does the ticket show?

A That's correct, yes.

Q When you issue a ticket I assume there are a number of carbons, carbon copies?

A Yes.

Q Which of the carbons is this particular ticket?

A That is the agent's coupon.

Q How long do you normally keep these coupons in the course of your business?

A By law or rule of the airline I should keep those records for two years. For some reason we keep those records for a year. We had a large basement.

Q If I wanted to determine your business records in 1967 as regards airplane tickets you would have them all, not just as relates to these charges here?

A Yes.

MR. PANZER: Your Honor, may I have a moment?

THE COURT: Yes.

(Pause.)

MR. PANZER: Mr. Beller.

MR. BELLER: The government offers Exhibits 2 and 3 in evidence.

MR. WHITE: I object on the basis of relevance, your Honor.

THE COURT: Let me see them.

(Pause.)

THE COURT: Come to the side bar.

(At the side bar.)

MR. BELLER: This is a passport application of Benito Arroyo. Here is the picture.

THE COURT: Of Ortega?

MR. BELLER: Yes.

THE COURT: The only objection is relevance.

MR. ALTER: Relevancy, based upon remoteness.

THE COURT: I will receive it at this time. Don't show it to the jury until I have had an opportunity to rule on the other thing.

MR. PANZER: Prior to November.

THE COURT: I understand it. Don't show it to the jury and I will take it subject to a motion to strike.

MR. BELLER: Can I explain what it is?

THE COURT: No, do it later. You haven't shown them anything yet.

(In open court.)

THE COURT: Received.

(Government's Exhibits 2 and 3 were received in evidence.)

DIRECT EXAMINATION CONTINUED

BY MR. BELLER:

Q Mr. Perez, when did you next see --

MR. BELLER: Withdrawn.

Q Do you recall the date that you issued the ticket in the name of Benito Arroyo?

A In October of '67, three or four days before he was to travel.

THE COURT: I received it. You can show it to them.

MR. BELLER: All of them, your Honor?

THE COURT: Yes.

MR. BELLER: Ladies and gentlemen, Government's Exhibit 2 in evidence is a ticket issued to Benito Arroyo and it indicates a date of travel of October 6th issued by Via Worldwide Tours as the agent and the date in this box over here, indicating for the record, beneath the agent's coupon indicates 6 October '67.

Government's Exhibit 3 for identification is the passport application in the name of Benito Arroyo.

THE COURT: You haven't had the witness identify the picture.

MR. BELLER: No, I will do that.

There is the photograph of the individual who made an application for this passport in the name of Benito Arroyo.

BY MR. BELLER:

Q Mr. Perez, I show you this photograph. Who is that individual, if you know?

A Luis Gomez Ortega.

MR. BELLER: I will pass this to you in a moment. Other photograph of Ortega, I will ask you to remember the photograph here and I will show the other photograph at a later time.

Q Mr. Perez, when did you next see Luis Gomez Ortega?

A In the spring of 1968.

Q And where did you see him?

A At my office.

Q Now, answer the next question simply yes or no. Did you have a conversation with him?

A Yes.

Q Subsequent to that meeting did there come a time when you met an individual named Jose Centor?

A Correct.

Q And when did you meet Centor?

A In the summer of '68.

MR. BELLER: May I have this marked Government's Exhibit 5 for identification.

(Government's Exhibit 5 was marked for iden-

tification.)

Q Mr. Perez, I show you Government's Exhibit 5 for identification. Would you identify that exhibit?

A Yes, sir.

Q What is it?

A It is the person who was introduced to me as Pepito Jose Jiminez Centor.

MR. BELLER: Your Honor, the government offers Exhibit 5.

MR. ALTER: Objection on the basis of relevancy, your Honor.

THE COURT: Overruled.

(Government's Exhibit 5 was received in evidence.)

MR. PANZER: May I see 5 for a minute, please?

(Exhibit handed to counsel.)

Q Mr. Perez, where did you meet Centor?

A At my office.

Q That is Via Worldwide Tours?

A Yes.

Q Who was present, do you recall?

A Ortega.

Q Anyone else present?

A Centor and I.

Q What occurred at that meeting?

A Ortega introduces me to Centor. Centor is Spanish, he is Spanish-French:

He says to me this is his new contact in Europe and that he just arrived to the country here with the first shipment of heroin.

The next day he produces approximately $100,000 in five, ten and twenty-dollar bills which he asks me whether I can exchange into $100 bills.

Q When you say he brought me the money, to whom were you referring?

A Ortega but he had come together with Centor.

Q On the second day as well?

A Yes.

Q Do you recall if there was anyone else present?

A No -- my wife was there and an employee but they weren't present when they delivered the money to me.

Q Have you ever met a man by the name of Jose Baeza?

A Correct.

Q Where do you meet him?

A At my office.

Q How did you meet him?

A He was introduced to me by Ortega.

Q Was there conversation at that time?

A Yes.

Q What did Ortega say to you and what did you say?

A Ortega --

MR. ALTER: May I interrupt a moment?

May we approach the bench?

MR. BELLER: Is this an objection?

MR. ALTER: May I speak with Mr. Beller for a moment?

THE COURT: Speak to him.

(Counsel confer.)

MR. ALTER: No application.

Q In reference to Baeza --

A Correct. Ortega introduces me to Baeza as

the person who is going to help him here to distribute the drug, the heroin.

Q Which heroin was that?

A That which Centor has just brought.

Q I show you Government's Exhibit 6 for identification.

Can you identify that exhibit?

A Yes, Jose Baeza.

MR. BELLER: Your Honor, the Government offers Exhibit 6 in evidence.

MR. ALTER: Same objection, your Honor.

THE COURT: Relevance?

MR. ALTER: Yes, your Honor.

THE COURT: Overruled.

(Government's Exhibit 6 for identification was received in evidence.)

Q You testified that Ortega asked you to exchange money for him. Did you agree to do so?

A Yes.

Q Did you exchange the money?

A Yes, I changed the $100,000 into $100 bills.

Q Will you tell the jury how you went about changing the money?

A I went to different banks, especially the bank

where we had accounts and in approximtely three or four days I was able to change the $100,000.

Q Did you ever discuss with Ortega the purpose of changing the money?

A Correct. The purpose was to change the money into $100 bills, that is to say, into big bills which Centor would take to Europe in order to prepare the new shipment.

Q Did you receive any payment for these services?

A Yes. 1 per cent of the $100,00[illegible] approximately $1000.

Q What happened to the money after you exchanged it from small bills to large bills? What did you do with the changed money?

A I turned it over to Ortega and Baeza.

Q Did there come a time when you changed money again for Ortega?

A Correct, approximately some four or six weeks later.

Q Will you tell the jury what happened on that occasion?

A On that occasion Ortega accompanied by Baeza came with Centor. He communicated to me that another shipment, a new shipment had just arrived. At this time

he would have approximately $150,000 to change.

I explained to him that I could change it for him but based on 1-1/2 per cent.

Q What was the reason for increasing the commission?

A I had to use another person who in turn was going to use another person in order to change the money fast without the necessity of me going to different banks.

Q Who changed the money, what are the names of the people?

A The principal one is Frank Muniz and an employee of mine who accompanied Muniz to change the money.

Q What is his name if you know?

A Felix Abaroa.

Q Do you know where they changed the money?

A In the garment district.

Q When Ortega asked you to change the $150,000, did you have any oth er conversation with him with respect to narcotics?

A Yes.

Q What was that?

THE COURT: Let me interrupt, Mr. Perez. We have kind of artificial rules here so when you are asked a question did you have a conversation just say yes or no.

If he wants to know what the conversation is he will ask you.

The reason for that is to give the other counsel an opportunity to object to certain questions if they want to.

THE WITNESS: Yes, sir.

Q Was the conversation in your office as well?

A Correct.

Q What did Ortega say and what did you say if anything?

MR. PANZER: Can we find out when this conversation was?

Q When was this?

A Late in the summer of 1968.

Q Please tell the jury what Ortega said if anything?

A The conversation was that after I had changed the $150,000 for him, Ortega was very enthusiastic because they were going to prepare a new shipment and Centor was waiting for the money which I had already changed for him.

Q Directing your attention to the early part of 1969, did you have a conversation with Ortega with respect to a shipment of heroin by Centor?

A Yes.

Q Excuse me, Mr. Perez, where did you have a conversation?

A In the office.

Q Will you tell the jury what was said?

A Ortega communicated to me that there was a new entry, a new entry of cocaine via Mexico.

Q Was that cocaine, sir?

A No, heroin.

Q What did he say about the entry of heroin?

A That he had a new connection in San Antonio with a Mexican general by the name of Suarez and that he was going to receive drugs in two different ways.

Q What were these ways?

A Via New York and San Antonio, Texas.

Q Did he discuss with you what the method of operation in San Antonio, Texas would be?

A In San Antonio Ortega rented a house where they would pass the drug from Mexico to San Antonio in some armored trucks in which they take the money to banks, which they transport money to banks.

This was the form in which they would introduce it from Mexico to San Antonio.

Q Did he explain to you how the drugs would be brought from San Antonio to New York?

A He would travel from New York to San Antonio with one or two other persons.

Q Did he say who would go with him?

A Baeza and the other person by the name of Esther Sierra.

Q Did there come a time when you issued tickets to Mr. Ortega to travel to San Antonio?

A Correct. From that time on he began to buy tickets from me very frequently.

Q Mr. Perez, I show you Government's Exhibit 7 through 20 for identification.

Can you identify those exhibits for the jury, please?

A Correct.

Q Could you identify them?

A Yes, all the tickets were sold by my office under the name of Juan Plaza which was the name that Ortega was using and Esther Sierra and other persons that traveled under false names.

Q To whom were those tickets issued?

A From New York, Newark to San Antonio, first class all the time.

Q To whom were they issued?

A Ortega, Baeza, Sierra.

Q Previously had you discussions with Ortega with respect to the name Juan Plaza?

A Correct.

Q When was that?

A Upon his return from Spain in 1968.

Q What did he say on that occasion, simply with respect to the use of the name?

A That he had obtained a Colombian passport and from that point on his name was going to be Juan Plaza.

MR. BELLER: At this time the Government offers Exhibits 7 through 20 in evidence.

MR. ALTER: May I have a brief question as to the documents?

THE COURT: Surely.

VOIR DIRE EXAMINATION

BY MR. ALTER:

Q Mr. Perez, some of these tickets reflect the payment of tax and some don't. Is there any reason?

MR. BELLER: Your Honor, I object to the question, it is not proper voir dire. Mr. Alter asked about the payment of the taxes collected on the ticket. I don't think that has anything to do with it.

THE COURT: How does that have to do with the admissibility?

BY MR. ALTER:

Q Are all the tickets prepared in your handwriting?

A No.

Q Can you tell from reviewing these documents whether or not every one of them was actually used for air travel on the flight indicated?

A No.

Q Can you tell from these documents whether or not every ticket was paid for in cash or some other method?

A Yes.

Q By looking at the ticket?

A Yes. Sometimes my wife or my employees or myself we write the payment of travel with cash but sometimes in a rush we don't. If the payment is in cash we don't bother to put cash. If we issue a check or credit card, we are supposed to put it there in order for the person not to get the refund in cash.

But when this is cash, we don't reflect nothing. If it is paying a credit card or check, then we show that.

Q Can you tell from these tickets whether or not any of those paid for in cash were in fact redeemed for cash rather than used for air travel?

A No, I can't tell that.

MR. ALTER: Same objection.

THE COURT: Received.

(Government's Exhibits 7 through 20 for identification were receive in evidence.)

BY MR. BELLER:

Q Mr. Perez, while they are being marked, if a ticket was purchased from you and if an individual didn't take the flight --

THE COURT: It is hard enough to hear when you are facing here without talking toward the other end of the room.

MR. BELLER: I am sorry.

Q In the ordinary course of your business if a ticket was purchased and the individual who purchased the ticket didn't take the flight, how would he go about receiving an exchange of the ticket for money?

A If the person doesn't fly, then he has paid cash for the ticket, and a refund of the ticket to the airline, I should know within three or four weeks because the airline recalls our commission.

Q You get a commission on the issuance of each of these tickets?

A Yes.

Q With respect to any of the tickets marked in

Exhibits 7 through 20, was the commission ever recalled by the airlines?

A No.

MR. BELLER: May I briefly go through the tickets in Government's Exhibits 7 through 20?

(Exhibits read.)

Q Government's Exhibit 7 is signed I believe Laura, is that correct?

A That is my wife.

Q Who is Laura?

A That is my wife.

(Reading of exhibits.)

Q Who is Calli Curi?

A That is the common law wife of Ortega.

Q Mr. Perez, do you recall who applied for the ticket for E. Sierra?

A Ortega.

Q Esther Sierra?

A Yes, sir.

Q What is the relationship between Esther Sierra and Ortega?

A It was the sweetheart or girl friend, very close friend of Oretga.

Q Mr. Perez, did you discuss with Mr. Ortega the

flight pattern for that particular exhibit, Government's Exhibit 11?

A Which one?

Q Marked 11, a ticket issued for San Antonio to Chicago, both Plaza and Baeza?

A I don't recall about. That was in connection with the whole operation but I don't recall that ticket.

Q Mr. Perez, do you recall the name J. Torres?

A That is an assumed name or false name Ortega used to travel with.

(Reading exhibits.)

MR. ALTER: May we approach the bench?

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(At the side bar.)

MR. ALTER: Your Honor, I am concerned that the recitation as to the contents of these documents goes far beyond the scope of the witness' testimony. The witness' testimony dealt with traffic either originating or terminating in San Antonio and the witness' testimony dealt with names and assumed names of certain alleged co-conspirators, if you will.

This recitation has names to which no testimony has been received, no identification, and furthermore there are destinations which have not been testified to.

MR. BELLER: He testified that these names on the tickets are false names used by Ortega and Baeza, people in Ortega's group.

MR. ALTER: The name Perez --

THE COURT: He is talking about travel to Santa Domingo.

MR. ALTER: I am not interested about Chicago, Mexico City or any other point than the testimony.

MR. BELLER: The tickets were offered. Mr. Perez has testified these were tickets issued by him to Ortega and his group to travel to San Antonio. Some were to Austin and presumably there were other tickets.

THE COURT: You can ask on cross examination.

MR. PANZER: You are not going to object on this on cross examination.

MR. BELLER: It's in evidence.

MR. ALTER: To me it is just another name. I don't know if it is the same one. If it is I certainly wouldn't raise the question, but I have no way of knowing.

MR. BELLER: If it is a ticket in the name of Rodriguez I don't see -- I don't believe it is. I believe it is a false name.

(In open court.)

MR. BELLER: I hand these to the jury and I think I can proceed with the examination.

Q Mr. Perez, each of these tickets represents a ticket for a separate flight, is that correct?

A Right.

Q Shortly after issuing each of the tickets, Government's Exhibits 7 to 20, did you have occasion to meet with Ortega?

A Correct.

Q And where would you meet with him?

A At my office.

Q What did he say after each of these trips?

MR. ALTER: Objection. There is no evidence any trips were taken, only that tickets were issued.

MR. BELLER: I thought we cured that. I will have to do it again.

Q I don't know whether I asked you with respect to 7 to 20. Had you ever received information from the airlines requesting a call back on the commission issued for any of these tickets?

A No.

Q After each of these flights and after each of these trips, when you met Ortega in your office, what did he say to you and what did you say to him?

A Four or five days after each of those trips he would come to my office, always with a small suitcase with money -- not a small suitcase, a large briefcase with more than 150,000, 170, 175 thousand dollars in minor denominations. He would communicate to me that everything on the trip had come out all right, that they had brought 30 and 40 kilos of heroin.

Q What did he ask you to do with the money, if anything?

A The same as before, to change them from bills of small denominations into $100 bills.

Q And did you do that?

A Yes.

Q During this period of time did you have a meeting with Esther Sierra?

A Yes.

Q When was that?

A On one of the trips which Ortega was making to San Antonio he said he was taking Esther Sierra in order to awaking less suspicion and that she in her turn would bring drugs with her.

Q Did you actually meet her?

A Yes.

Q Where was that?

A At my office.

Q Did Esther Sierra ever purchase tickets from you?

A Yes.

Q I show you Government's Exhibits 21A and 21B for identification. Can you identify those exhibits?

A Yes.

Q What are they?

A Tickets made up in my handwriting from New York to Geneva in the name of Esther Sierra and

Raymond Mindaa.

Q To whom were those tickets issued?

A To Ortega. He presented himself in my office with Miss Esther Sierra.

Q Did you have a discussion with Ortega as to the name Raymond Mindaa?

A Yes.

Q Did you subsequently learn who Raymond Mindaa was?

A Yes.

Q Who?

A Jose Jiminez Centor.

MR. BELLER: Your Honor, at this time the government offers Exhibits 21A and 21B in evidence.

VOIR DIRE EXAMINATION

BY MR. ALTER:

Q One of these documents appears to be marked "Void." It is the third ticket on Government's Exhibit 21A.

Would you have any explanation as to why it was voided?

A If you show it to me I will letyou know.

MR. ALTER: May I approach the witness, your Honor.

THE COURT: Yes.

A Yes.

Q Would you please tell me what that means, "void"?

THE COURT: Speak in English.

A The third ticket was void because the first one he made the reservation. He said he wants Sierra to travel to Geneva via Pan American and then decide since the Frenchman, the Spanish-Frenchman has ticket for Swissair, she must be traveling together on the Swissair and no Pan American. That is the reason why the Pan American ticket is void. If you can see that ticket the Frenchman and Centor is traveling Swiss-air.

Q Is this your handwriting that says "void"?

A Yes.

Q There is a ticket here that would appear to me to be the passenger's copy. Can you see from there?

A No.

Q I just notice it is different in color. I ask you why.

A Yes, it is a Pan American ticket. On the other ticket she travel Swissair and on her return to

the United States she has Swiss, Swissair ticket for Pan American and that is what shows here.

Q And this ticket was issued abroad?

A Yes. You can see the Pan American ticket there.

Q How does it come from your records if it was issued in another country?

A I don't know. I believe Esther Sierra give it to the government. I don't know.

MR. PANZER: I didn't hear.

Q Would you repeat your answer, please.

A I believe that was obtained -- was given to Esther Sierra from the government.

MR. ALTER: May I approach the bench?

MR. BELLER: I didn't hear the last word.

THE COURT: I believe that was given by Swissair to the government.

THE WITNESS: No, by Esther Sierra.

(At the side bar.)

MR. ALTER: I have been under the impression every exhibit relating to air travel came from the witness. I believe this came from somebody not present, can't be testimony about it, and I believe this passed as his. I ask that it be identified as coming

from the witness or be stricken as irrelevant and immaterial.

THE COURT: Not irrelevant and immaterial. He says he doesn't have this in his records.

MR. BELLER: This says Worldwide Tours here.

MR. ALTER: This is a rewrite originating in a foreign country.

THE COURT: It can't be that. His testimony was it was issued --

MR. BELLER: My feeling is she may have had a Pan American ticket which was exchanged for a Swissair ticket.

MR. PANZER: That is not his testimony.

THE COURT: The testimony is not clear at the moment. Try to straighten it out.

(In open court.)

DIRECT EXAMINATION CONTINUED

BY MR. BELLER:

Q Mr. Perez, I show you Exhibit 21B. This is a Pan American Eicket, is that correct?

A Yes.

Q And it is a ticket in the name of E. Sierra, Geneva-Barcelona-New York, and I call your attention

to a section in this ticket which says "Ticket designator and tour code." Would you read what it says there?

A Well, that show by the ticket -- the original ticket was issued, the ticket number I believe match with the other ticket and the agent and the date and place of issue of ticket.

Q What is the significance of the notation "Via Worldwide Tours"?

A That original ticket was issued by Via Worldwide Tours and he was returning that Swissair ticket to -- in order to get the Pan American ticket, so it was given credit for the money she has paid there and since she was traveling from Geneva to Barcelona I think that is the fare. So that is why Pan American was collecting money for her ticket.

Q I believe you testified that Mindaa had a Swissair ticket, is that correct?

A Yes.

Q And Ortega wanted Miss Sierra to travel on Swissair, is that correct?

A That's correct.

Q And she had a Pan American ticket?

A No, she had -- in the beginning I issued a Pan American ticket and that one was marked void and

then must be traveling together with Centor.

Q On Swissair, is that correct?

A That's correct.

Q But that is a Pan American ticket?

A That is a return ticket after she has arrived in Geneva, she decided to go to Barcelona and from Barcelona to New York.

Q Well, the indication "Worldwide Tours," does that indicate that you wrote out this ticket?

A Yes, that ticket match this ticket, matching the ticket. You see, the number should be the number there matching this ticket.

Q You are referring to the number originally issued against, is that correct?

A That's right.

Q And the number there is -- would you read that number, please?

A Is 026290058854.

Q And that matches this ticket?

A That's correct.

Q No. 2 in 21A, is that correct?

A Yes.

Q The ticket in 21B was issued to replace the ticket for the second one in 21A, is that correct?

A Yes.

Q Did you write out that ticket?

A That -- let me see this ticket.

Q No, this ticket, 21B.

A No, that was issued in Barcelona.

MR. BELLER: Your Honor, we withdraw 21B and offer 21A in evidence.

THE COURT: This is probably a good time for a break.

Ladies and gentlemen, Thursday, being kind of late, I am not sure I mentioned to you the reasons about not expressing an opinion. Had I mentioned to you anybody talking to you about the case and not drawing any inferences should that happen? I knew I intended to, but I was not sure I had.

All right, ladies and gentlemen, we will resume at 2 o'clock. Just go to the jury room. Don't come here, goto the jury room.

(The jury left the courtroom.)

THE COURT: Perhaps I can meet counsel at 10 of in the robing room.

MR. BELLER: Your Honor, just for the record, I withdrew the offer of 21B, but in view of the witness' testimony that the ticket matches -- there is

an indication on the Pan American ticket --

MR. PANZER: Your Honor, may we have the witness leave while Mr. Beller is making the remarks?

Thank you.

(The witness left the courtroom.)

MR. BELLER: The Pan American ticket indicates that the originating ticket was issued by Worldwide Tours. We have in evidence 21A, a ticket the number of which matches the original number on the Pan American ticket, so I am not going to offer 21A.

THE COURT: I will see you at 10 minutes to 2.

MR. BELLER: May the record reflect Mr. Vidal is wearing nonprison clothes today.

THE COURT: I see he changed his clothes.

about it.

Off the record.

(Discussion off the record.)

(In open court.)

MR. BELLER: Your Honor, at this tiem the government offers Exhibits 21A and 21B in evidence.

MR. ALTER: Your Honor, we object to the introduction of 21B based on the fact it is not a business record of the witness.

THE COURT: I obeserve my comments made in the robing room are inaccurate with respect to that.

The objection is sustained as to 21B.

MR. ALTER: I believe it is 21A that I made reference to.

THE COURT: 21A is not the subject of your objection. Sustained as to 21B.

(Government's Exhibit 21A was received in evidence.)

MR. BELLER: 21A is a ticket in the namer of Raymond Mindaa and another name of Esther Sierra, New York-Geneva, and New York-Geneva-New York for flight on April 14, 1969, a total of $612.

DIRECT EXAMINATION CONTINUED

BY MR. BELLER:

Q I want to return to an earlier portion of your testimony, Mr. Perez, a part skipped over this morning.

Do you recall I asked you whether upon Ortega's return from Europe you had a conversation with him in your office? Do you remember that question?

A That's correct, yes. I remember.

Q I'm sorry. I can't hear the answer.

A I remember.

THE COURT: He remembers.

MR. BELLER: Okay.

Q And I believe you answered yes, you did. I asked you to answer the question yes or no, is that right, and you answered yes? When did this conversation take place?

THE COURT: When?

A In the spring of '68.

Q And where was that, do you recall?

A In my office.

Q And tell the jury what Luis Ortega told you in your office.

A When he was at my office, he told me that

the trip had come off on the one hand badly, the other hand well.

Q What did he say had come off badly?

A Badly, he said that he had lost -- the $100,000 that he had taken with him, he had spent it all; that he had been in Spain with a brother of his, and that another friend of his, a man he had met in Cuba, had had difficulty. His name was Nico, and that he had been hidden three months in Barcelona and he was almost arrested there.

Q What was the good news?

A The good news was that he made some good connections in Spain and that soon he would begin to receive heroin in considerable quantities.

Q Now, did there come a time when you met Luis Ortega referred to as Nico?

A Correct.

Q Where did you meet him?

A At my office.

Q Did you learn his true name?

A Yes.

Q What was it?

A Antonio Vidal Borrego.

Q And do you see Antonio Vidal Borrego in the

court today?

A Yes.

Q Point him out to the jury, please?

A Seated with the black jacket and the blue shirt.

MR. BELLER: Would the record reflect that the witness has identified correctly Mr. Vidal?

Q Now, I asked you earlier about a conversation concerning -- at this time concerning the name Mr. Ortego used for traveling. Do you recall that question?

A Yes.

Q Was there a discussion about that?

A Yes.

Q Tell the jury what that conversation was.

A He said to me that in order to get out of Spain he obtained a Spanish passport, and in order to enter the United States he had to travel to South America, Colombia, and he had entered with a Colombian passport under the name of Juan Plaza, which he demonstrated to me, which he showed me. And he asked me to obtain for him an extension of time because he had entered as a tourist here.

Q Mr. Perez, I want to jump ahead and take off where we left off this afternoon.

After issuing the ticket in the name of Raymond Mindaa, Government's Exhibit 21-A, did you have occasion to see Ortega again?

A Correct.

Q Did you have a conversation with him?

A After about three or four weeks Ortega returned to my office and I asked him how the trip of Mindaa had come out.

He said to me that it had come out perfect and with the money that he had carried he was expecting a large shipment in those days.

Q Did Ortega discuss the amount of money that he had taken to Europe?

A Yes, a quarter of a million dollars approximately.

Q Mr. Perez, I show you Government's Exhibit 22 for identification.

Can you identify that exhibit, please?

A Correct, yes.

Q What is it?

A They are two tickets from Chicago to London to Geneva in the name of Juan Plaza and Jose Baeza and all the

14th of May of 1969.

Q Who issued those tickets?

A My office. They were made up by my wife.

Q How do you know that?

A By her handwriting, I know them immediately, and the receipt is signed by her as well.

Q Who purchased those tickets?

A Ortega.

MR. BELLER: At this time the Government offers Exhibit 22 in evidence.

Q Incidentally, all these tickets that you have identified, where have they been kept to the best of your knowledge after the date of issue?

A In the records of my office.

MR. ALTER: A question if I may.

VOIR DIRE EXAMINATION

BY MR. ALTER:

Q Mr. Perez, do you have any financial records to back up these ticket documents?

MR. BELLER: I object, your Honor.

THE COURT: That is cross-examination.

MR. ALTER: Same objection.

THE COURT: Received.

(Government's Exhibit 22 for identification

was received in evidence.)

(Exhibit read.)

Q Mr. Perez, who is Juan Plaza?

A Ortega.

Q The receipt here indicates that payment for this was $728.80.

Do you have any recollection as to how these tickets were paid for?

A It was paid cash by Ortega.

THE COURT: Ladies and gebtlemen, incidentally, although this doesn't relate to what is going on, at this point this little bit of cross -examination is permissible to establish whether or not the document is admissible in evidence. It is not permissible to establish the weight of the document, that comes later in his regular cross-examination.

This is just the reason for it so you will know what is going on.

Q Mr. Perez, did you have a conversation with Luis Ortega at the time you sold him this ticket?

A Yes.

Q Will you tell the jury what he said and what you said?

A When he was in my office on that occasion,

Baeza and Ortega, Ortega communicated to me that the purpose of that trip was in order to establish a new contact in Europe and, at the same time, they were carrying a considerable quantity of money.

MR. BELLER: At this time the Government offers Exhibit 23 in evidence.

MR. PANZER: No objection.

THE COURT: Received.

(Government's Exhibit 23 for identification was received in evidence.)

MR. ALTER: We maintain the relevancy objection as well as our continuing objection.

MR.BELLER: Can we approach the bench a minute?

THE COURT: Yes.

(At the side bar.)

MR. BELLER: I just want to put on the record that counsel stipulated that these are official records, Customs declarations to obviate the need for calling somebody from the Customs Service but they don't stipulate as to the relevancy. I thought I wouldn't want to mention the stipulation?

THE COURT: All right.

(In open court.)

(Government's Exhibit 23 read.)

BY MR. BELLER:

Q Mr. Perez, did you receive a notice with respect to these tickets for Mr. Ortega and Jose Baeza from the airline company asking for a recall on the commission?

A No.

Q After this trip did you have occasion to see Mr. Ortega?

A Correct.

Q Did you have a conversation with him?

A Upon their return from Europe, yes.

Q What did he say?

A They had a new group in Europe and there would be -- the first shipment would arrive within four or five weeks.

Q Did he say, indicate anything about who comprised the new group?

A He referred only to the Frenchman.

THE COURT: He used the word Frenchman?

THE WITNESS: Yes, the Frenchman.

Q I show you Exhibit 24 for identification.

Can you identify that exhibit, please?

A Yes.

Q What is it, please?

A There are four tickets -- there are three

persons traveling from Newark to Detroit. One is Jose Baeza with a man named Ramirz Francisco and Perez.

Q Who issued those tickets?

A They were used by my office, by my wife.

Q To whom were they issued?

A Mr. Ortega presented himself at my office with Baeza.

Q Did you have a conversation with them at that time?

A Correct.

Q What?

A That Baeza would travel with the Frenchman from Detroit to Geneva -- well, sorry, Detroit, London, Geneva but the trip was from Detroit to Geneva but the final destination was Geneva.

Q Any discussion about money at that time?

A Correct.

Q What?

A He said to me that Baeza was taking with him from $250,000 to $300,000 in order to prepare a new shipment.

On that occasion he brought me the ticket of two Frenchmen which were from Detroit to Geneva. Then he bought from me for the Frenchmen two tickets from Newark

to Detroit and he asked me to use any fictitious name, which I did.

Q Any discussion about why the tickets were New York to Detroit, London, Geneva?

A Because Baeza had left twice to New York and he had a fear that he would have difficulty in New York and he considered Detroit easier.

MR. BELLER: At this time the Government offers Exhibit 24 for identification in evidence.

BY MR. ALTER:

Q Is there anything in these documents that reflect the return travel?

A No.

Q Just one-way tickets?

A No, that of Baeza is roundtrip.

Q Am I to assume that a subsequent ticket was issued somewhere else reflecting the return?

MR. BELLER: I object to what he assumes.

THE COURT: That doesn't seem relevant to admissibility.

MR. ALTER: Same objection.

THE COURT: Received.

(Government's Exhibit 24 for identification was received in evidence.)

BY MR. BELLER:

A Mr. Perez, going back to the money changing activities for Mr. Ortega what was the status of this activity at this period of time?

A I don't understand you properly when you say what is the status.

Q Were you continuing to exchange money for Ortega?

A Yes.

Q Mr. Perez, did there come a time when you issued another ticket for overseas travel to Jose Baeza?

A Yes.

Q I show you Government's Exhibit 25 for identification.

Can you identify that exhibit?

A Yes.

Q What is it, please?

A A ticket from New York, Geneva, New York, September 25, 1969 under the name of Jose Baeza by Swissair.

MR. BELLER: The Government offers Exhibit 25 in evidence.

Perhaps this might be a good time to pass to the jury Government's Exhibit L, the photograph of Mr. Ortega which the jury hasn't seen and Baeza.

I am handing to the jury Government's Exhibit 1

which has been identified as a photograph of Luis Ortega and Government's Exhibit 3 a passport application and Government's Exhibit 6 which is a photograph of Jose Baeza.

(Handed to jury.)

MR. ALTER: Same objection.

THE COURT: Received.

(Government's Exhibit 25 for identification was received in evidence.)

Q Mr. Perez, when you issued the ticket for Baeza on September 25, 1969, did you discuss with him -- did you have a conversation with him?

A Yes.

Q Where was that?

A At my office.

Q Was anyone else present?

A Ortega was present.

Q What was said? Can you tell the Jury, please?

A That the purpose of Baeza's trip to Europe was to prepare a new shipment and that he was carrying with him more than $200,000.

Q Did you see Baeza when you returned to New York?

A Yes.

Q Did you have a conversation with him?

A Yes.

Q Was that also in your office?

A Yes.

Q What did you say?

A About two or three weeks afterwards he returned. I asked him, as I usually did, how his trip had come out.

Q Yes?

A He said to me that everything had come out perfect and they were waiting for a new shipment.

Q Now, shortly thereafter did you have a conversation with Ortega concerning Baeza?

A Yes.

Q Where was that?

A At my office.

Q Would you tell the jury what Ortega told you?

A Ortega showed me a letter which he had received from Europe signed by a man named Maurice -- he was one of the Frenchman -- which he gave me so that

I could read the letter.

Q Did you read the letter?

A Yes.

Q What did it say?

MR. ALTER: Objection as hearsay. It is not the best evidence.

THE COURT: I didn't hear what you said.

MR. ALTER: Can we determine whether or not the letter is in existence before he recites the contents?

THE COURT: Have you got the letter?

MR. BELLER: No, your Honor.

MR. ALTER: May the witness be asked?

THE COURT: Yes.

MR. ALTER: Mr. Perez, what happened to that letter?

THE WITNESS: Ortega took it away with him.

MR. ALTER: What language was the letter written in?

THE WITNESS: In Spanish.

BY MR. BELLER:

Q What does the letter say?

A I read the letter to Ortega and it said

that he shouldn't send Baeza any more because they considered him a weak spot because he had cried in front of the Frenchmen because his family was in Cuba and couldn't come out, and that the impression of the Frenchman has been very bad of Maurice.

The letter asked him that he should disconnect himself completely from Baeza or he wouldn't do any more business with him.

Q Did Ortega discuss with you what his plans were with respect to Baeza?

A Yes.

Q What did he say?

A He said to me that after that letter he was going to send Baeza to another place.

Q What did that signify, to another place?

MR. ALTER: Objection. It calls for a conclusion on the part of the witness. It is pure speculation.

THE COURT: I think he can say what it meant to him.

Q What did it signify? What did it mean to you?

A That he would put him outside of New York and in that moment he didn't say to him, but Ortega

gave me to know. He gave Baeza a large quantity of money so that he could go to Miami, which Baeza did.

Q Now, did Ortega discuss with you his plans for a replacement for Baeza?

A Not at that moment.

Q Subsequently?

A Yes.

Q When was that?

A In the first part of 1970.

Q Where did that conversation take place?

A At my office.

Q What happened?

A He came with another person under the name of Borrego Vidal. He said to me, "This is the person who is going to substitute for Baeza. I've known him for many years from Cuba and besides he was with me in Spain."

Q Is that person Vidal in court?

A Yes, correct.

Q Who is he?

A I recognized him before.

Q Did he tell you where he, Ortega, was born?

A In Cuba.

Q Did he tell you where Vidal was born?

A In Cuba as well.

Q And did you ever have a discussion with Ortega about when he first met Vidal?

A Yes.

Q What was that?

A In Cuba. They had been friends for many years.

Q You testified that Nico was Vidal. Does Vidal have any other nicknames?

A Nico, yes.

Q And other than Nico, does he have any other nickname?

A Tony and "Green Eyes."

Q After October of 1969 did you ever see Jose Baeza again prior to your arrest?

A No.

MR. BELLER: Your Honor, this would be a convenient point for me to break. I am perfectly prepared; I just don't have a watch.

THE COURT: We will have to take a break some time. Would you rather take it now?

MR. BELLER: This would be a convenient spot.

THE COURT: All right. We'll take a short break.

(Recess.)

(Jury present.)

BY MR. BELLER:

Q Mr. Perez, in connection with these French people spoken to you by Mr. Ortega, did you have occasion to meet and and be introduced to a man Antoine Muzy?

A Yes.

Q When was that, do you recall?

A 1969, summer, 1969.

Q Was that again in your office?

A Yes.

Q Who was present?

A Orega and Baeza.

Q Will you tell the jury what was said and by whom?

A Ortega said to me in front of Baeza this is the new contact of ours in Europe. He is one of the best connections and we are going to receive large quantities of drugs.

Q Any discussion with respect to an apartment?

A Yes.

Q What was that?

A On this occasion Ortega asked me to obtain for Antoine Muzy the Frenchman a visa extension and at the same time he said that he had obtained an apartment in North

Bergen, North Jersey, on 82nd Street.

Q Who said that be obtained an apartment?

A Ortega obtained an apartment for the Frenchman so that he could stay there until the first shipment arrived.

Q Between the time you met him and the end of that year, 1969, did you again see Muzy?

A Correct.

Q About how frequently?

A On the first period of time, during the first three months that he was there and then twice more at different times.

Q With whom did you see Muzy?

A Ortega and with Baeza.

Q These subsequent meetings, did you have any further discussions with respect to heroin?

A Yes. On one occasion when they were waiting for the first shipment, about two months later, Ortega explained to me that the first shipment had arrived, approximately 70 kilos of heroin and he brought me more than $200,000 to change.

Q Did you do that?

A Yes.

Q Mr. Perez, I show you Government's 26 and 27 for

identification.

Can you identify those exhibits, please?

A The first one is a ticket in the name of Antoine Muzy and the other one Maurice Vandelli from New York to Barcelona, December 17, 19969, first class and the ticket which follows behind are tickets that I reissued, which is to say the originals were made up in Barcelona and the return portions were made up in my office by my wife.

Q 26 is in the name of Muzy and Vandelli, is that correct?

A Yes.

Q Would you identify Exhibit 27, please?

A It is Robert Pappasso.

Q Were those issued by your office, you or your employee?

A Yes.

Q Who paid for those tickets?

A Ortega.

Q Who were the individuals named in those tickets, if you know?

A Antoine Muzy and Robert Pappasso are the same person.

Q Did you have a conversation with Mr. Ortega

with respect to the names?

A Correct, it was the new group from which he was receiving the drug and the principal of the group was Maurice Vandelli.

Q You testified that Pappasso and Muzy were the same person.

I show you Exhibits 28 and 28-A for identification and ask you if that refreshes your recollection?

MR. PANZER: I object, he didn't say he needs his recollection refreshed, there is no such testimony.

THE COURT: What was your question?

MR. BELLER: Can we approach the bench?

(At the side bar.)

MR. BELLER: He testified that Pappasso and Muzy were the same people and it is not correct and I was going to use the document to refresh his recollection as to whether that is so or not.

MR. PANZER: He didn't say he needs his recollection refreshed.

THE COURT: He says he thinks it is wrong. Overruled.

MR. PANZER: I object, your Honor.

(In open court.)

Q I have shown you those documents and I ask you

whether that refreshes your recollection as to whether or not that is correct?

A Yes, a small error, an error on my part.

Of this group the one I know, the only person I know is Antoine Muzy. Robert Pappasso and Maurice are different Frenchmen but of the same group, all of them.

Q Who asked you to issue those tickets?

A Ortega.

MR. BELLER: At this time I offer Government's Exhibits 26, 27, 28 and 28-A.

I believe the documents Exhibits 7 through 20 have not been shown to the alternates and this might be a good time to show them to them.

(Handed to alternates.)

VOIR DIRE EXAMINATION

BY MR. ALTER:

Q Mr. Perez, do I understand your testimony that the Pan Am portion of this exhibit was issued abroad?

A Yes.

Q And you reissued travel for the unused portion, is that right?

A I changed it from economy to first class. One ticket purchased in Europe coming to this country and when the person returned he wanted to travel a different

line -- the same line but only in first class so I reissued the ticket and charged it to the customer or the client the different money.

Q The only change you made was on the class of travel?

A Of course I was collecting more money from tourist to first class.

Q Is there any reason why the Pan Am ticket from abroad reflects Barcelona-New York-Barcelona and yours is from New York to Madrid?

A Well, they changed the return I believe. I believe two parties returned, two people returned to Barcelona and one to Madrid traveling a different line -- the same line -- if I see the ticket I could remember exactly.

Q And the difference in the upgrading of the ticket is reflected on the purchase price?

A Yes, it is on your right, on the first ticket on your right side. That is the original amount of money collected from tourist to first class.

Q Reading the document, the round trip ticket Barcelona-New York-Barcelona would be -- you tell me what is the price of the Barcelona to New York to Barcelona according to the ticket issued in Europe?

THE COURT: Which class?

MR. ALTER: Whatever is reflected on the ticket.

A $350 and they came excursion rate for $350.

Now, the difference from the price coming excursion or economy and returning on first class will be the original fare marked down here, $167.60.

MR. ALTER: Same objection.

MR. PANZER: May I inquire?

BY MR. PANZER:

Q Mr. Perez, Government's Exhibit 26 is made out by you?

A If you show me the ticket I could tell.

Q Didn't you just look at the ticket?

A Yes, sir.

Q You testified about the ticket, right?

A Yes.

MR. BELLER: Your Honor, there is really no need for that. Is the man objecting to showing the witness an exhibit?

(Handed to witness.)

A Both tickets are written by my wife.

Q Your wife, not you?

A But I was present there.

Q I didn't ask you whether you were present, I

asked you whether you made out the tickets.

THE COURT: Don't argue with the witness.

MR. PANZER: This is not responsive.

MR. BELLER: I object. You asked him who made it out and he said his wife.

THE COURT: Don't argue with him.

Q What about Government's Exhibit 27?

A That is my wife too, her name appears, Laura.

MR. PANZER: I have no further questions.

I object.

MR. ALTER: May I have a brief moment before you rule on the objection?

(Pause.)

BY MR. ALTER:

Q Mr. Perez, do you have any explanation as to why Government's Exhibit 27 does not have the same spelling as the ticket you prepared?

A It is possible that my wife misspelled the last name Pappasso. It wasn't clear on the original ticket.

MR. ALTER: No other questions.

(Government's Exhibits 26, 27, 28 and 28-A for identification were received in evidence.)

BY MR. BELLER:

Q Mr. Perez, did I understand you to testify that

when they came here they came tourist but when they came back from the United States they went first class?

A That is correct.

(Government's Exhibits 26 and 27 read.)

MR. BELLER: 28 and 28-A are Customs declarations, documents prepared by persons coming into the United States.

(Exhibits read.)

Q MR. Perez, after this period, December of 1969, did you again have occasion to see Antoine Muzy?

A Yes.

Q When was that, do you recall?

A In the summer of 1970.

Q Was that again in your office?

A Yes.

Q Who else was present, do you remember?

A Ortega.

Q Did you have a conversation at that time?

A Yes.

Q What was said and by whom?

A Ortega introduced me again to Muzy -- the word introduced is not correct becausehe had been introduced before.

He came to my office with Muzy and said to me

they were expecting a large shipment.

Q Was there any other conversation, do you recall?

A He asked me to obtain from Muzy an extension of time through the Department of Immigration.

Q Were you successful?

A Not exactly. I didn't manage to receive it because another address outside of that of my office was used or outside of Muzy's address and it was returned by the post office to the Department of Immigration.

Q Did there come a time when you discussed with Ortega the arrival of a new load?

A Yes.

Q Will you tell the jury where that conversation took place and who said what?

A About four or five weeks later Ortega told me that the shipment had arrived, that there had been 70 kilos of heroin which had arrived in Citroen car and which had been dismantled in a house on 48th Street in New Jersey adn the next day he brought me some $300,000 to change.

Q Did Ortega discuss with you what had been done with that shipment of heroin?

A Yes. He said to me that it had been, that the whole shipment had been delivered to Tony the Italian and that it had been delivered to Tony by Ortega, Vidal and

another person whom I knew only as El Gallego.

Q Is that G-a-l-l-e-g-o?

A Yes, that is correct.

Q Did you have occasion to issue a ticket at that time for Muzy?

A Yes.

Q I now show you Government's Exhibit 29 for identification.

Can you identify the exhibit, please?

A Yes. It is a ticket in the name of Antoine Muzy from Kennedy to Barcelona, August 25, 1970 in first class.

Q Prior to issuing this ticket did you have occasion to change money fro Ortega again?

A I said before that some $300,000.

Q Do you recall issuing this ticket, Government's Exhibit 29?

A Yes.

Q What happened on that occasion?

A On that occasion there not having been received the extension for Muzy, Ortega begged me to accompany Muzy to the airport just in case he had any difficulty with the Department of Immigration and, besides, he was carrying with him close to a million dollars.

Q Did you go with him to the airport?

A Correct.

Q What happened there?

A We were called to the Department of Immigration by an inspector of the Department of Immigration but I was able to justify that the extension of time had been sent by the Department of Immigration but it had not been received.

Q Did Mr. Muzy speak English?

A No, French and Spanish.

MR. BELLER: At this time the Government offers Exhibit 29 for identification in evidence.

MR. ALTER: Same objection.

MR. PANZER: May I see 29?

(Exhibit handed to counsel.)

THE COURT: Received.

(Government's Exhibit 29 for identification was received in evidence-.)

(Exhibit read.)

Q Mr. Perez, you testified that Ortega told you that the 70-kilo shipment of heroin was delivered by Vidal and one of the Italians. Did you ever meet Tony the Italian before?

A Yes.

Q Where as that?

A In March 1970.

Q I think I asked you where?

A At my office.

Q I show you Government's Exhibit 30 for identification.

Can you identify that exhibit?

A Yes.

Q What is it?

A Anthony Stanzione, known to me as Tony the Italian.

MR. BELLER: At this time, your Honor, the Government offers Exhibit 30 in evidence.

There is a stipulation that the man known as Tony the Italian in the photo is Anthony Stanzione.

THE COURT: Received.

(Government's Exhibit 30 for identification was received in evidence.)

(Exhibit handed to jury.)

Q I believe You testified that the first time you met Tony Stanzione was in March of 1970 in your office; is that correct?

A Yes.

Q Will you tell the jury the circumstances under

which you met Tony Stanzione?

A Anthony Stanzione was introduced in my office to me by a client by the name of Vincente Ortiz.

Q How do you know Vincente Ortiz?

A I had known him since 1963 or 1964.

Q Did he have a nickname?

A Yes, Cuciacaca.

Q Had you had any prior dealings with Mr. Ortiz?

A Yes.

Q Will you tell the jury what those were?

A In 1965 he came to my office with another person named Fernandez and he proposed to me was I interested in bringing drugs from Mexico. I answered yes.

And he explained to me if I brought them he would pay me $3000 per kilo.

Q Did you do that?

A Yes.

Q Explain to the what you did with respect to this transaction?

A In 1965 I went to Mexico, I saw Fernandez who moved from New York to Mexico. He agreed to give me a suitcase with two and a half kilos of drugs.

He didn't have the suitcase ready and he said to me the only way that I could bring it would be on my

person. I accepted that and I brought on my person two and a half kilos of I think cocaine or heroin for which I was paid $7000.

Q To whom did you deliver the drugs?

A I delivered the two and a half kilos to Vincente Ortiz.

Q How much were you paid?

A $7000.

Q Did you undertake another transaction for Ortiz involving narcotics?

A That's correct. While in Mexico I ran into a friend of my wife's. His name, Roberto Franco. He was desperate for money and he asked me whether I had something for him to do, and I explained to him yes, that he could earn some money bringing drugs from Mexico up here. He accepted that. And approximately after my first trip he came with two kilos on his person.

Q Were you paid for that trip as well?

A Correct. I was paid $6000, of which I paid 2000 to Franco and I remained with 4000.

Q Who paid you for the trip?

A Vincente Ortiz.

Q Did Franco, Roberto Franco, deliver the shipment to you?

A That's correct.

Q To whom did you give it?

A To Vincente Ortiz.

Q Did there come a time when your niece or mother-in-law delivered something to you in Mexico?

A After my first trip Ortiz said to me did I have some person who would take some money to Mexico. My niece and my mother-in-law -- I communicated that to them. They didn't know what the money was all about. Their travel expenses were paid and they delivered to Ortiz in Mexico the $300,000.

A No, $35,000.

Q Apart from this transaction prior to 1970 had you ever engaged in any narcotics transactions?

A Correct, in '69 a client of mine named Felix Martinez asked me whether I had or whether I knew of a buyer of drugs, of heroin -- heroin or cocaine. I communicated to him that yes, and I introduced Martinez to a man named Mario Lobo.

Q Were you paid for that?

A No. Money was offered to me, but I explained that it wasn't necessary because Lobo was a good client of mine, travel.

Q Other than those transactions about which you just testified, were you involved prior to 1970 with any other narcotics dealings?

A No.

Q Returning to this meeting between you, Vincente Ortiz and Tony the Italian, Tony Stanzione, in your office, did you have a conversation at that time?

A Yes.

Q And would you tell the jury what happened, who said what?

A Ortiz, when he arrived at my office with Anthony Stanzione, explained to me did I know what was happening to him, that is to say, Ortiz. I explained to him that, yes, I knew that he had been caught two or three months before with two or three kilos of drugs. He said to me that he wanted me to help him get out of the country, that Tony Stanzione had helped him get out of the court because that day they were going to remand him because he was under $100,000 bail.

Q Was there any discussion with relationship between Ortiz and Tony Stanzione?

A correct. Ortiz said to me that I could speak out any idea whatsoever in front of Tony Stanzione because they were business -- they did business between them and he was like a brother to him.

Q Did you ask to assist in any way this escape?

A Yes.

Q What were you asked to do?

A He said to me, Ortiz said to me, that he had two pasports, that he wanted to get out of the country. One passport was Ecuadorean and another Panamanian.

I decided that with the Panamanian passport it would be easier to get out of the country. I said that it would take me two or three days to arrange the papers.

Ortiz stayed in my office and Stanzione left, saying that he would come to pick up Ortiz at 6 o'clock in the afternoon.

Q And did he do that.

A Yes.

Q What happened when he returned?

A When he returned I explained to Tony Stanzione that he would have to bring Ortiz the next day.

Q Was there any discussion about how you would be able to reach Mr. Stanzione?

A Yes, at that moment he left me a telephone number. He said to me that he had a business

of used cars in the Bronx, of which he gave me the telephone number of that business.

MR. BELLER: Your Honor, may I have just one moment, please?

THE COURT: Surely.

(Pause.)

Q Now, I take it you left at that point, is that correct?

A That's correct.

Q Did there come a time that evening when you saw Luis Ortega?

A Yes.

Q Where was that?

A That same night, approximately between 7 and 8 at night.

Q And did you have a conversation with him?

A Yes, Ortega came to my office and I said to him that Ortiz had been there, Cucicaca, and he had been there with the Italian.

Q Let me interrupt for just one second. Did Ortega know Ortiz?

A Yes.

MR. ALTER: Objection.

Q To your knowledge.

MR. ALTER: Your Honor, this calls for a conclusion on the part of the witness.

MR. BELLER: I will rephrase it, your Honor.

Q Did you ever have a conversation with Ortega about Ortiz?

A Yes.

Q Did he indicate to you in that conversation whether he knew -- whether Ortega knew Ortiz or not?

A I knew that they were friends, they two.

Q Will you proceed to tell the jury what happened in this conversation with Ortega that evening?

A After I communicated to Ortega that Cucicaca had come and Tony the Italian, Ortega says to me, "I know who Tony the Italian is."

He asked me, "Is he coming back?"

And I said to him, "Tomorrow he is coming back again to the office."

And then Ortega says to me, "Yesterday, when we delivered a shipment to him, he referred -- Vidal and I, when we delivered to Tony the shipment, we delivered to him one kilo too many. If he returns give him to know that."

And he asked me, "Do you have his telephone

number?"

And I said to him, "Yes," and I gave it to him. I wrote it down for him on a piece of paper and he left.

Q The following day did you see Ortiz and Tony Stanzione?

A Correct.

Q Do you recall approximately when that was?

A Around between 10 and 11 in the morning. Ortiz and Tony returned, the Italian, and I explained to him that Luis had been there the preceding night.

Tony Stanzione said, "I know who Luis is."

I explained to him that "he said to me that I should say to you that he had delivered to you kilo too many."

Q I am afraid that is a little bit confusing. Will you repeat that, putting in the names of the peopel who are "he" and "you" and so on.

A Yes, correct. The next day, when Vidal came back with Tony the Italian --

MR. ALTER: Objection, your Honor. I don't believe that was the testimony the first time around. Can we have that reread.

Q You mean Ortiz, not Tony the Italian, is

that correct?

A Yes, "Ortiz" was "Tony the Italian."

Q Tell the jury what conversation ensued at that point?

A When I arrived I explained to Tony the Italian that Ortega had delivered to him one kilo too many.

Q And what did he say to that, if anything?

A That there was no problem, that he had already worked that out with Ortega.

Q Now, were there any further discussions with respect --

THE COURT: Just a moment. Ladies and gentlemen, the group here is a group that has to do with another case.

Q Was there any further discussion, Mr. Perez, at that time with respect to the visa which you were supposed to secure?

A Yes.

Q What was that?

A Tony the Italian said that I should help Ortiz in whatever way possible, that money didn't mean anything, that the problem was to get Ortiz as quickly as possible out of New York.

I explained to him that the next day everything would be resolved for them.

Q Did you see them again the following day?

A Correct.

Q What happened at that time?

A Ortiz arribed with the Italian. I explained to him the manner of leaving the country. I had obtained on the Panamanian passport for Ortiz a visa to Santo Domingo which would be the country to which he would travel and at that moment Tony the Italian paid me $200 for the ticket of Ortiz.

Q Was there any discussin with respect to Ortiz' wife at that time?

A Correct.

Q Would you tell the girl what that was?

A We agreed that Tony the Italian would bring Ortiz' wife to my office, whom I didn't know, so that she could get together again with Ortiz.

Q On this third day, at this meeting, was there anything particularly unusual that occurred?

A Yes, yes, when you communicated to Ortiz that everything was resolved he became very content and then he embraced -- there was a traternal embrace between Ortiz and Tony, and at that moment Tony the Italian became

emotional and practically cried and he said to me, "Don't give this any importance because we are like brothers."

MR. BELLER: Your Honor, I can stop here if this is a convenient time.

THE COURT: Yes. You may leave.

(The witness left the courtroom.)

THE COURT: Ladies and gentlemen, 9:45 tomorrow morning.

Remember what I said about meeting with counsel, and to avoid that as much as possible I always keep everybody in the courtroom here until you leave the floor.

In the morning when you come in go directly to the jury room, don't wander around the hallways. You will just have to put up with the inconvenience of this. Hopefully all the building material you see outside will eventually result in more appropriate courtrooms.

MR. PANZER: Your Honor, could we start at 10 tomorrow? I have another matter on at 9:30. I don't want to detain anybody. I know I can start tomorrow at 10 without any problem.

THE COURT: All right, 10 o'clock.

(Adjourned to May 6, 1975 at 10:00 a.m.)

MR. PANZER: My application would be I am prepared to go along with cross examination, and if your Honor would allow me to review the Immigration file I be allowed to call him back if I want to.

THE COURT: If I show you the Immigration file and you show me something worth cross examining about, I will entertain your application.

I think his bribery of Mexican officials is proper cross examination, so you can go into it on direct.

(In open court, jury present.)

G E O R G E W A R R E N P E R E Z resumed.

THE COURT: Proceed.

DIRECT EXAMINATION CONTINUED

BY MR. BELLER:

Q Mr. Perez, yesterday you left off on your third day of a meeting in your office between Ortiz and Tony Stanzione and yourself. Now, I believe you testified that at that time you gave Mr. Ortiz and Mr. Stanzione a ticket for a flight to Europe, is that correct?

A Well, not exactly. Ortiz I gave the ticket and Stanzione paid for it.

Q How much did Mr. Stanzione pay for the ticket?

A $200.

Q Did you have occasion to see or hear from Tony Stanzione that day or the following day with respect to Mr. Ortiz' departure?

MR. ALTER: Your Honor, I am going to object to the form of the question.

THE COURT: Leading?

MR. ALTER: Yes.

THE COURT: I will overrule it.

Q Did you get the question?

A Yes, I got the question, yes.

I say it in Spanish -- the next day, around 2 o'clock in the afternoon, I called Anthony Stanzione and I asked him whether Ortiz had been able to go and whether everything had come out all right.

He told me that he had had some difficulty with the clerk at the airline, but that everything had come out all right, that as soon as he heard from Ortiz' wife that he would come to my office with her.

Q And did he do that?

A Yes.

Q I show you Government's Exhibits 31 and 32 for identification. Can you identify those exhibits, please?

A Yes.

Q What is Exhibit 31?

A 31 is a photograph of Vincente Ortiz. And Exhibit 32 is a ticket of Esther Davilla from New York to Madrid first class, April 2nd, by Trans World Airlines.

Q Who purchased that ticket?

A Anthony Stanzione.

Q Was there any conversation between you and Mr. Stanzione or Mr. Ortiz with respect to the issuance of that ticket?

A Yes. Ortiz' wife told me that she was going to join her husband who was in Madrid and that if for any reason she had to come to New York again she would come to my office, and on that occasion Anthony Stanzione paid for that ticket.

Q Now, I show you Government's Exhibit 33 for identification. Can you identify that exhibit please?

A Yes, it is a ticket of Esther Davilla from Kennedy to Montreal and another under the name of Esther Padilla from Montreal to Franfurt, Germany.

Q Who was Esther Padilla?

A The same person as Esther Davilla.

Q Who purchased the ticket in Exhibit 34?

MR. PANZER: Objection.

MR. BELLER: I'm sorry,. Whatever the last exhibit was.

A Yes, 32 and 33. Esther Davilla.

Q Was that in your office?

A Correct.

Q Did you have a conversationwith her at that time?

A Yes. She told me that she didn't want to leave New York to go to Germany, that she preferred to go via Montreal because she was carrying $80,000 with her which Tony Stanzione had paid to her for narcotics transactions which he owed to Ortiz, her husband.

MR. BELLER: Your Honor, at this time the government offers Exhibits 31, 32 and 33 in evidence.

Q Where was Mr. Ortiz living at this time in the summer of 1970?

A He had transferred from Madrid, Spain, to Germany, Frankfurt.

MR. ALTER: Same objection, your Honor.

THE COURT: Received.

(Government's Exhibits 31, 32 and 33 for identification were received in evidence.)

Q Mr. Perez, after -- just going back a little bit, after Ortiz left for Europe in March 1970 did you have occasion to see him again?

A Yes.

Q Where was that?

A In April of 1970 at Madrid, Spain.

Q Will you explain to the jury the circumstances which led to your meeting with Ortiz?

A Before Ortiz left Spain we had been in agreement, he and I, that he was going to try to make contacts for acquiring drugs, heroin.

He was going to receive, buy it there and I was going to receive it here.

Q How did you get to Spain?

A I flew from New York to Barcelona, Palma de Majorca and from Palma de Majorca to Madrid.

Q With whom did you go?

A I was on vacation with my wife.

Q Will you tell the jury what happened when you met with Ortiz?

A When I met with Ortiz he said he had been in Marseilles and Barcelona and made good connections.

Q Please continue?

A Yes. At that moment I asked him the price and he said that he could obtain it at $5 or $6000. He asked me whether I had connections here for abuyer.

I said to him yes and he asked me in what quantities.

I said in quantities of 50 to 100 kilos and he said to me "If you have trouble with your buyer, trouble with him, you can make contact with Tony Stanzione. He buys any quantity and he paid in advance, before he receives the merchandise."

Q Who was the contact to whom you were referring when you spoke to Ortiz?

A Luis Ortega Gomez.

Q After speaking to Ortiz did you return to the United States?

A Yes.

Q What happened next?

MR. PANZER: Can we have a date when he returned?

Q Mr. Perez, do you recall approximately the date when you returned to the United States?

A I believe in the middle of May, after the 10th

of May, 1970.

Q What did you do when you returned?

A When I arrived in New York, about two or three days afterward, I saw Ortega. I explained to him that I had a contact in Europe -- I didn't mention to him who it was -- and he said to me that whatever quantity arrived why he take it. If I needed money he would give me that.

Q Did there come a time when you met a man named Augustine Alvarez?

A Correct.

Q Did you have a discussion with Wlvarez concerning the importation of heroin from Europe?

A Yes. Alvarez was a Spaniard and he had been living in Santo Dominogo and he had a business and he had a pilot of the Dominican Air Force who carried contraband merchandise to Puerto Rico from Santo Domingo.

I explained there were possibilities if merchandise could be passed from Santo Domingo to Puerto Rico. He said to me that yes, and I explained the kind of merchandise that it was. I thought him to be very interested.

I traveled to Puerto Rico with him. He introduced me to General Andres Rodriguez Mendez who was a retired chief of the air force of Santo Domingo, retired.

He said that he made consecutive trips from Puerto Rico to Santo Domingo with vegetables, that he wouldn't have any trouble at all in introducing anything into Puerto Rico.

Q Were Alvarez and Mendez to be part of this group in bringing heroin to the United States?

A Yes.

Q What happened next with respect to this plan?

A Approximately in October after having written to Vincente Ortiz, I went to Frankfort, Germany. I met with Ortiz and I explained the whole plan to him. He found it to be good.

He said that he was going to transfer to Italy where he had contacts to obtain heroin.

Q Did you return to New York after that trip?

A Yes.

Q Did you have occasion to speak with Ortega?

A Yes.

Q Upon your return?

A Yes.

Q Did you have a conversation with him?

A Yes.

Q Will you tell the jury what was said?

A Yes.

MR. PANZER: Can we fix when that conversation was?

Q When did you return from Frankfort?

A I was in Germany for four days approximately. In the same month of October I returned.

Q Will you tell the jury what was said in this conversation with Ortega?

A I explained to Ortega the plan which I had. He said to me that I shouldn't tell him how the drug was going to be introduced here but that he would take everything that came and he would give me the money that I needed.

Q Mr. Perez, in this period of time were you having certain financial difficulties?

A Yes.

Q Will you explain what those were to the jury, please?

A Approximately in those months, in September and October, I had lost a lot of money on the stock market and I had taken more from my business to put into the market because I had a margin account.

At that moment I asked Luis Ortega for $35,000 --

Q Excuse me. You said you had a margin account. Where was that margin account?

A In Switzerland.

Q Did you have an account in a bank in Switzerland?

A Yes.

Q What was the purpose of putting your account and investments in Switzerland?

A In order to be able to buy with more of a margin.

Q Did you make profits with respect to any investments in Switzerland?

A On paper, yes.

Q Had you made actual profits would you have declared those profits on your income tax?

MR. ALTER: Objection, his intention. Going to the intention of the witness.

THE COURT: This is just anticipatory of cross-examination, I assume.

Is that the purpose?

MR. BELLER: That is correct.

THE COURT: I will allow it.

A May I have the question, please?

Q Had you made actual profits in Switzerland would you have declared them on your income tax?

A Possibly, yes. I am not sure.

Q Mr. Perez, wasn't one of the reasons you had the account in Switzerland --

MR. ALTER: Objection, leading.

Q Now, what did you do about these financial difficulties that you were having at that time?

A I asked Ortega for $35,000 which he offered to me and after two days, approximately, he came to my office with Anthony Vidal Borrego and at that moment he said to me, "George, here, I am giving you the money."

He said to Vidal, "Give him the money, to George."

He gave me $35,000 in $100 bills. He said to me, "If you have any problem, if you don't pay me, you should pay him, which is the same as paying me."

Q Who is him?

A He referred to Vidal, Ortega referred to Vidal.

Q Mr. Perez, will you tell the jury what happened next with respect to your own heroin deal with Ortiz?

A In November approximately of 1970 I received a letter from Ortiz to the effect that I should go to Miami to pick up $200,000 from a sister of his.

I went to Miami, I picked up $200,000 and I asked Ortega for $40,000 and he knew what it was for.

Ortiz asked of me as good will that I should put up some money for my part.

Then in November I traveled with $240,000 with

my wife from New York to Luxemburg, from Luxemburg to Italy by train.

Q What did you do in Italy?

A I saw Ortiz, I turned over to him the $240,000. He said in the first days of December he would have it all prepared and that he would be in contact with me.

Q Upon your return to New York did you have occasion to meet with Ortega again?

A Correct.

Q Did you discuss this heroin transaction?

A Yes.

Q What did he say and what did you say?

A I explained to Ortega that I had taken the money, the money whicb he turned over to me, I had taken to Europe. Of course I didn't explain the $200,000 to him because he didn't know who was my contact in Europe. I explained to him that in the first days of December the first shipment would arrive.

Q Did you see him in the first days of December?

A Yes, correct.

Q Did you have a conversation with him?

A Yes. He came to my office and said to me, "What happened to what you were going to receive?"

I said to him, "I don't have it in my possession

yet, it is going to be delayed another few days."

He said to me, "I have problems with Anthony Stanzione in that he is very desperate. I said to him that it was going to arrive in the first days, that I would give him the 25 kilos that you are expecting."

Ortega said to me that he had promised 25 kilos to Anthony Stanzione and he was desperate.

Q Was that your shipment that he promised to Stanzione?

A Yes, correct.

Q In the second week of December did you receive a cable from Ortiz?

A Correct. Approximately the 10th day of December of 1970.

Q What did it say?

A He explained that I should travel with General Mendez to Italy, that everything was prepared.

Q Did you do that?

A Yes. The 13th of December I traveled with General Mendez from New York to Rome.

Q What happened in Rome?

A After about four or five days of being in Rome I had already been in contact with Ortiz. I was put up in a hotel and he brought me eight kilos of heroin.

Q Who put you up in a hotel and brought you eight kilos?

A Vincente Ortiz.

Q Then what happened?

A He told me that the rest of the drug would be delivered in Genoa and that I should transfer with General Mendez to Genoa and later he would see me.

Q Genoa is in Italy, is that correct?

A Yes.

Q Did you go to Genoa?

A Yes.

Q What happened there?

A I traveled from Rome to Genoa with General Mendez and carried in the suitcase the eight kilos.

We waited for about a week, waiting for Ortiz. Ortiz arrived in Genoa and he said to us that he couldn't do anything further, that he shipment wasn't going to arrive until after Christmas.

Q What did you do when you learned that?

A I decided to return to New York since it was Christmas and the 25th of December I returned to New York.

Q Shortly after you returned did you meet with Ortega?

A Correct.

Q Did you talk to him about this narcotics deal?

A Yes.

Q What did he say and what did you say?

A Approximately the 29th or 30th of December he came to my office and I explained to him everything that happened.

He explained to me that there was no problem since the Frenchman had just arrived and that he was expecting a shipment, big shipment from one day to the next and that he communicated that to Tony Stanzione, that he was tranquil.

Q Which Frenchmen were these?

A Schoch -- I don't know the spelling.

MR. BELLER: At this time the Government offers Exhibit 35 in evidence.

MR. ALTER: Same objection.

THE COURT: Received.

(Government's Exhibit 35 for identification was received in evidence.)

(Rxhibit read.)

MR. BELLER: May we approach the bench a moment?

(At the side bar.)

MR. PANZER: Before the jury was seated the

marshal came in and directed Perez to sit down. I just think that --

THE COURT: Before the jury?

MR. PANZER: As the jury was sitting, before you came in the marshal directed the witness to sit down. I think they observed this. I understand there is a need for security but it does not need to prejudice the defendants.

MR. BELLER: I directed the marshals not to have Perez here when the jury was here in court. I shall speak to him again and the reason for that was because Mr. Panzer doesn't want and I clearly wouldn't want him to sit in front of the jury so I will take care of that.

I spoke to the marshals about this problem and they understand.

THE COURT: This morning there was considerable confusion but have him brought in before the jury comes in and when there is a recess before the jury comes in have Perez here so they don't see him being escorted in and out.

MR. BELLER: The Government asked to have him brought in when the Court is ready to take testimony.

THE COURT: The Court is ready as soon as the jury comes in.

MR. BELLER: The practice here is to bring the

jury in and -- the practice in this courtroom is to bring the jury in and then we have everything ready the clerk gets you. Sometimes we have a conference in the robing room.

THE COURT: That is to avoid bringing in the jury until we are through with the conference.

MR. PANZER: It is very, very simple. He can be seated and the marshal can be seated before the jury is here so that they don't see any unusual activity.

THE COURT: That makes sense to me.

MR. BELLER: The reason I ask for the conference is that I missed the end of his last response and I didn't want it read back for the jury because he may have -- I know the question was already answered and I would ask to have the answer read.

(Answer read.)

(In open court.)

Q You testified that Ortega told you he was expecting a shipment from the Frenchmen. In January of 1971 did you have occasion to discuss with Ortega anything further about that shipment?

A Yes.

Q What did he say?

A In the first days of January he explained to me

that he had already received the shipm ent and that at that moment he brought me approximately about from $250,000 to $300,000 to change.

He told me that the whole shipment he had delivered is to Anthony Stanzione, that it had been delivered to Anthony Stanzione by Ortega, Vidal and El Gallego. At that moment Vidal was present.

Q What did you do with the $250,000?

A I changed it into $100 bills which I turned over to him after about four days, approximately.

Q To whom?

A Ortega.

Q Did you have occarion to issue tickets for overseas travel for the Schoch group?

A Correct.

Q I show you Government's Exhibit 34 for identification.

Can you identify that exhibit?

A Yes.

Q What is it?

A There are four tickets from New York to Rome in the name of Schoch, Claude, Denice, Vandell[illegible]nd Capasso and all are in first class, January 12 of 1971.

Q Prior to your arrest did you have occasion to

learn whom Maurice Vandelli was?

A Yes.

Q Who?

A The principal of the group of Frenchmen, the head of the group.

Q Did you learn what Vandelli's name was, his true name?

A No, I only knew him as Maurice.

MR. BELLER: At this time the Government offers Exhibit 34.

MR. PANZER: May I have a brief voir dire on this?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. PANZER:

Q Mr. Perez, I show you Government's Exhibit 34 for identification. Did you actually fill out these tickets?

MR. PANZER: I think it should be in English.

THE COURT: Yes.

A 34 was made by my wife, my wife handwriting.

Q Is her name on there?

A Sometimes she put her name here.

Q That is what I --

A I know her writing is --

Q My question is, is her name on there?

A My wife's name?

Q Yes.

A No.

Q You say the three of them were made out by your wife?

A Yes.

Q The fourth was made by you?

A Yes.

Q Was there generally a yellow slip attached to them as part of your accounting records?

A No -- yes. You mean --

Q Just a moment.

MR. BELLER: I object to Mr. Panzer not letting the witness respond.

MR. PANZER: He said no.

THE WITNESS: I said yes, but I --

Q Please answer my question, Mr. Perez.

A Yes.

THE COURT: What's the question.

Q The question is,generally when tickets are made up, isn't there a yellow sheet that is attached to that?

A Yes.

Q And that yellow sheet is for your accounting purposes, right?

A Yes.

Q So that you get paid, right?

A Yes.

Q And generally the person that makes out that yellow sheet,makes up the ticket, signs their name to the yellow sheet, right?

A Yes.

Q With respect to this batch of tickets, Government's Exhibit 34 in evidence, there is no yellow sheet,

is that right?

A Of course, by that time --

Q Answer the question.

THE COURT: Is there a yellow sheet?

THE WITNESS: No.

THE COURT: The answer is no.

MR. PANZER: I object.

THE COURT: I don't see the ground of your objection.

MR. PANZER: I don't think he has established to my satisfaction that they were made up by his office.

THE COURT: Well, he has established it to mine.

(Government's Exhibit 34 was received in evidence.)

THE COURT: When I say established to mine, that doesn't mean he established it to yours. Mine is for the purpose of letting it in evidence. It has sufficiently established it to me to permit me to have you decide whether it is valid or not.

MR. BELLER: These are four tickets.

DIRECT EXAMINATION CONTINUED

BY MR. BELLER:

Q Incidentally, Mr. Perez, in this box on the right-hand corner is there a stamp?

A Yes, that is a --

Q What does it say?

A "Via World Tour," the date and the year and the branch.

MR. BELLER: These tickets are four in number. The first is in the name of Miss D. Schoch, flight January 12th from New York to Rome, and embarkation tax, Rome, Italy.

The second one is a flight ticket in the name of Mr. C. Schoch, New York to Rome, January 12th.

The third is M. Vandelli, January 12th, New York to Rome.

And the fourth is R. Capasso, January 11th, New York-Rome.

The prices on these tickets are $756.20 for the first, $758.20 for the second, $940.40 for the third, $366.60 for the fourth.

Q Mr. Perez, what was happening in the meantime in your 25 kilo shipment from Ortiz, Alvarez and Mendez?

A Well, on the 14th of January, 1971 I went to Puerto Rico. There I made contact with Alvarez. Alvarez was in Puerto Rico awaiting the shipment. And when I called Mendez in Santo Domingo from Puerto Rico he told me that the shipment had arrived in Santo Domingo and that in a matter of four or five days it would be in Puerto Rico and from there to New York.

Q Did you return to New York?

A Yes.

Q Did you see Ortega?

A Yes.

Q Did you have a conversation with him?

A Yes. I explained to him that the shipent was already in Santo Domingo and that it was a question of a few days only.

I still had approximately $40,000 of the money which I changed for him which I had not turned over to him. And he said to me that I should remain with that just in case I should need it for expenses.

Q Directing your attention to January 18, 1971, did you have occasion to speak with Alvarez on that date?

A Yes. The 18th of January of '71 Alvarez called me from Puerto Rico and said that he had arrested

General Mendez with the 25 kilos of heroin.

Q Did you see Alvarez at that time, approximately that time?

A No, I sent money to him to Puerto Rico, and about four or five days later he returned to New York.

Q Mr. Perez, have you ever met Manuel Uziel?

A Yes.

Q Do you see him in court?

A Yes.

Q Would you point him out, please?

A Yes. He is sitting here with the -- this gentleman.

MR. BELLER: May the record reflect Mr. Perez has identified the defendant?

Q When did you first meet Mr. Uziel?

A In September of 1970.

Q And where was that?

A At my office.

Q Do you recall who was present, if any?

A Ortega, the Battle brothers and another person -- I think he was called Hector Calle,

Q C-a-l-l-e?

A C-a-l-l-e..

Q What happened at that meeting?

A Ortega, after introducing me to Battle brothers and Uziel, said to me that the Battle brothers were fugitives -- the three of them: the two Battle brothers and Hector Calle. He wanted to know whether I could obtain for them passports in order to get out of the country.

Q And what did you say?

A I said to him yes, that I could obtain for them Dominican passports.

At that moment Uziel said, "If you can obtain passports for them, I will commit myself and it will be my mission to get them out of the country."

Q Did you learn what the ultimate destination for the Battle brothers was?

MR. PANZER: Your Honor, I will object unless he relates the conversation, not what he learned. I want to know what he said.

THE COURT: Yes, who told him.

Q Did there come a time that you had a discussion with Ortega as to the ultimate destination of the Battle brothers?

MR. PANZER: May we have the time and place of that discussion?

MR. BELLER: If he says yes, I will ask

him.

A Yes.

Q Do you recall where that was?

A At my office, and Uziel -- and their destination -- Uziel suggested that he could take them to St. Croix or St. Martin and that from there they would continue their trip to Spain.

Q Did you discuss with Ortega what they would do in Spain when they arrived?

A The purposes were to make contacts in order to obtain drugs in Europe.

THE COURT: May we get the time of this conversation?

Q When did all this occur?

A In September, in the second part of September.

Q All right. You testified about the initial meeting. Were the subsequent conversations, the last matters that you just testified to, were those at the first meeting or later meetings?

A No, that first night they were in my office approximately some three hours and everything was discussed there.

Q Mr. Perez, were you able to obtain passports

for Ortega and Uziel and the Battles?

A Yes, I obtained five Dominican passports with all of the documentation complete: driver's license, birth certificates, et cetera, et cetera.

Q Would you explain to the jury how you obtained those passports?

A Through General Mendez in Santo Domingo. I traveled to Santo Domingo and $500 was paid to General Mendex for each set of documents.

Q When you obtained the passports, what did you do, if anything?

A General Mendez, about two months later, like in the first part of December, brought the passports to New York. I called Ortega and he came back again with Uziel, the Battle brothers and Hector.

Q And what did you do with the passport?

A I turned them over to them. Then Uziel said that he had everything prepared, that he knew where he was going to take them.

Q Did you see Ortega give anything to the Battles?

A Yes, he gave $5000 to both -- to one of the Battle brothers and Hector Calle $5000.

Q Did you have occasion to issue flight tickets

at that time?

A Yes.

Q I show you Government's Exhibit 36 for identification. Can you identify that exhibit?

A Yes, they are three tickets for the 13th of December from New York to St. Croix on Pan American in the name of Manuel Uziel, M. Castillo and Bogard.

Q To whom were those tickets -- who paid for those tickets?

A One of the Battle brothers.

Q And who were the other two people apart from Uziel, if you recall?

A One of the Battle brothers and the other one I think it was Hector Calle. I'm not completely sure, but I know that was the fictitious name that they used on the passport.

Q Did you have discussion with Ortega, Uziel or the Battles with respect to why they used fictitious names?

A Well, they said they were fugitives from here, that the purpose was to make connections in Europe and possibly also in South America, that they were going to send heroin and cocaine and that Uziel was going to receive it here, which he would give everything that

arrived to Ortega. He asked me whether I wanted to participate in the operation and I said to him at that moment, no.

Q Mr. Perez, in the course of your business did you have occasion to learn which countries had Customs checks and which locations did not?

A Yes.

Q When a person travels from the United States, from the continental United States, to Puerto Rico is there a Customs check?

A No.

Q And from Puerto Rico to the United States?

A No.

MR. BELLER: Your Honor, at this time the government offers Exhibit 36.

THE COURT: Would this be a good time for a short break?

MR. BELLER: Fine, your Honor.

THE COURT: All right. We will have a short break, members of the jury.

(The jury left the courtroom.)

THE COURT: I will proceed a little differently after the breaks. First counsel, the defendant and the witness will be brought in; then the jury

and the court.

MR. BELLER: Your Honor, may I speak to the marshal and the witness about that?

THE COURT: Yes, sure.

(Recess.)

MR. BELLER: The Government offers Exhibit 36.

THE COURT: Any objection?

Received.

(Government's Exhibit 36 for identification was received in evidence.)

(Exhibit read.)

Q Where is St. Croix, Mr. Perez?

A In the Virgin Islands.

Q Mr. Perez, you testified earlier that you went to Puerto Rico in January of 1971?

A Yes.

Q This was in connection with the Alvarez deal?

A Yes.

Q How did you go to Puerto Rico?

A I traveled with Manuel Uziel and another person by the name of Juvenal.

Q Is that Juvenal, is that correct?

A Yes.

Q Is that J-u-v-e-n-a-l, is that correct?

A Yes.

Q Did you see Mr. Uziel in Puerto Rico?

A Yes.

Q What connection?

A We went to Puerto Rico to see a lot of jewels

which I saw with a jeweler who came from New York and with Uziel.

Q Had you had a conversation with Mr. Uziel in New York about going to Puerto Rico?

A Yes.

Q Briefly, what was that about?

A He said that there were jewels in Puerto Rico and he asked me whether I was interested in buying them or in doing any business.

I said I didn't know much about jewels but I will take a jeweler with me, which the jeweler was interested in as well.

Q Was that Juvenal?

A Yes.

Q When you were in Puerto Rico did Mr. Uziel have anything to do with your discussion about Mr. Alvarez, about the 25 kilos?

A No.

Q Mr. Perez, I show you Government's Exhibit 37 for identification and ask you can you identify that exhibit?

A Yes, it is my passport.

MR. BELLER: The Government offers Exhibit 37.

THE COURT: It is the witness' passport?

MR. BELLER: Yes.

THE COURT: Any objection?

MR. PANZER: May I see it, your Honor?

I have no objection.

THE COURT: Any objection?

MR. WHITE: I am taking some notes, your Honor, if I may.

THE COURT: Take the notes later.

MR. WHITE: No objection.

(Government's Exhibit 37 for identification was received in evidence.)

Q Mr. Perez, I want you to explain some entries in the passport.

Directing your attention to page 7 there are two markings there, Geneva, Switzerland, January 15, 1969 and April 3, 1969.

What do those entries signify?

A 1969 when I went to Switzerland to deposit some money in an account.

Q That was the margin account you testified about earlier?

MR. PANZER: I object to the leading. I think the witness can answer what he went to Switzerland for.

THE COURT: Yes, I think it is a valid objection.

Q There is an entry Barcelona, April 21, 1970. Will you explain that, please?

A Could you repeat the date?

Q April 21, 1970 I believe it says.

A What page?

Q On page 7.

A That is my entry into Spain, into Barcelona.

Q For which purpose?

A When I went to visit Ortiz. I mean I went on vacation with my wife and, at the same time, I went to visit Ortiz.

Q There is an entry Salida, Spain, May 8, 1970. What does that signify?

A That is my departure from Spain after having been there on vacation and having seen Ortiz.

THE COURT: Salida means exit?

THE WITNESS: Yes.

Q If you will look at page 9?

A Yes.

Q Do you see a reference to United States Immigration, September 7, 1970?

A Yes. That is my entry into the United States on the trip which I made to Frankfort.

Q Which trip is that?

A In connection with Ortiz, when I went to visit him in Germany in order to explain to him the plans which we had to bring the drug in here.

Q Do you see an entry for Luxemburg, November 19, 1970?

A Yes.

Q Look at page 11, please?

A Yes.

Q Do you see an entry for Luxemburg, November 21, 1970?

A Yes.

Q Will you explain those two entries, please?

A The 19th -- the 14th is my entry into Luxemburg with the $240,000. I was traveling with my wife. From there I went to Italy and the 19th I returned to Luxemburg via Italy after having delivered the $240,000 to Ortiz.

Q Will you look at page 10, please?

A Yes.

Q Do you see an entry there for the Dominican Republic and I believe it says entry and the date is October 23, 1970?

A Yes. That is my trip to Santo Domingo in 1970 when I went to make arrangements with General Mendez for the five passports.

Q Is there another entry on October 25?

A That is my departure from Santo Domingo. I was there only three days.

Q Will you look at the page with your photograph? I don't believe it is numbered.

A Yes.

Q Do you see an entry there, United States, May 12, 1970?

A Yes.

Q What was that?

A That is my entry into the United States after having visited Ortiz in Madrid, Spain.

Q Do you see an entry November 19, 1970?

A Correct.

Q What does that signify?

A That is my entry from the trip to Italy.

Q Do you see an entry for -- this is a United States admission?

A That is correct.

Q Do you see an entry for December 25,1970, also a United States admission?

A Yes.

Q What does that signify?

A That is my entry from Italy when I was waiting

for part of the shipment in Genoa which didn't arrive and that was Christmas Day, the 25th of December, 1970.

MR. BELLER: With your permissio n I will pass the passport to the jury.

(Handed to jury.)

THE COURT: I don't think you have to hold up while they are looking at it.

MR. BELLER: Maybe I will do it at a later time. I would rather wait.

THE COURT: Let us take it and we can send it to them at a later time perhaps.

MR. BELLER: All right.

(Exhibit returned from jury.)

Q Mr. Perez, you told us earlier than the 25-kilo shipment from Ortiz, Mendez and Alvarez was seized on January 18, 1971, is that correct?

A Yes.

Q Shortly thereafter did you see Luis Ortega?

A Correct, about January 21 or 22. Mr. Ortega came to my house and he asked me, he said, "I saw on television that they had seized 25 kilos of heroin in Puerto Rico."

He asked me were those mine. I said to him yes.

He said they say that General Mendez is in jail and that another person is in jail in Santo Domingo, a man named Gonzales. "What do you think?"

I said to him --

MR. ALTER: Objection.

A -- "I am afraid."

THE COURT: Overruled.

He was afraid.

Q What happened?

A At that moment he said to me, "Come with me, I have a house in Belmar and I will give you protection and whatever you need, I will help you in everything just in case General Mendez should speak and we are all compromised."

Q Did you go to Mr. Ortega's house at Belmar?

A Yes, I did.

Q What did you do there, if anything?

A I was at the house of Belmar approximately four or five days.

Q Did you examine the premises?

A Yes.

Q With whom?

A Mr. Ortega. He explained to me the Frenchmen had just left -- he took me to the garage of the house. He indicated to me that they had dismantled one or two cars --

he didn't specify and the Frenchmen had left the double bottom of the car where the drug had come.

I asked him the purpose. He said that he was going to buy a foreign car here in order to take the money to Europe and use the double part which he had there.

Q I show you Government's Exhibit 38 for identification.

Can you identify that exhibit?

A Yes. It is the house in Belmar and the garage is next door.

Q Will you make an X on any portion of the house that is the house in Belmar?

THE COURT: A portion of the house that is the house?

MR. BELLER: There is more than one house there, your Honor.

THE COURT: All right.

(Witness complies.)

MR. BELLER: The Government offers Exhibit 38 in evidence.

MR. PANZER: May we approach the side bar?

(At the side bar.)

MR. PANZER: If you will tell me the photograph was taken it might be admissible.

MR. BELLER: It was taken before the last trial.

MR. PANZER: Was it taken in 1973?

MR. BELLER: I asked if that was the house and he said that is the house in Delmar. It could have been taken yesterday.

MR. PANZER: I think the jury is entitled to know when the photograph was taken.

THE COURT: You can ask that on voir dire. He said that is the house.

MR. PANZER: Was that the way the house looked when he saw it though?

THE COURT: I will ask him that question.

(In open court.)

THE COURT: Is that the way the house looked when you were there?

THE WITNESS: Yes.

MR. PANZER: May I ask a question?

BY MR. PANZER:

Q Did you take that picture of the house, Mr. Perez?

A No.

Q Do you know when it was taken?

A No.

MR. BELLER: I object.

THE COURT: Do you know the date?

THE WITNESS: No, I don't know the date.

MR. PANZER: Can we have the approximate year?

THE COURT: No, he doesn't have to go any further.

MR. PANZER: I will save it for cross.

THE COURT: Yes.

(Government's Exhibit 38 for identification was received in evidence.

BY MR. BELLER:

Q Now, that evening, did you have occasion to have dinner with Mr. Ortega?

A Yes, correct.

Q Did you have a conversation at that time?

A Yes.

Q What did Mr. Ortega say and what did you say?

A The conversation with Ortega was that in the last shipment, which he had received in January, he had a profit of $485,000 after having paid Vidal and Gallego.

Q How long did you stay at the house in Belmar?

A Approximately a week.

Q Incidentally, what kine of a place is Belmar, New Jersey?

A It's a summer resort.

Q Can you describe it a little bit more? Where is it located?

A In New Jersey, near Asbury Park, a very tranquil section.

Q Is it near the water?

A About two blocks away from the ocean, yes.

Q Where did you go from Belmar?

A I came to live in the house which Ortega has on 82nd Street in North Bergen, New Jersey.

Q While you were at the North Bergen apartment

did you have occasion to see the defendant Manuel Uziel?

A Yes.

Q Approximately when was that?

A Towards the end of January, the first part of February.

Q And with whom did you see him?

A With Ortega.

Q Where did you see him?

A At the apartment. First at a barber shop in New York on Seventh Avenue and 53rd Street.

Q Did you have conversations with Mr. Uziel and Mr. Ortega?

A Yes.

Q Will you tell the jury what was said and by whom?

A Correct. Ortega asked Uziel what was he doing, what was he working on. At that moment Uziel said to him that he didn't have anything steady. And he asked him whether he wanted to come to the house or bring messages from my office, or papers from my office.

Ortega said to him that he would pay him and at that moment he said, "This is an advance," and he gave him $200, approximately.

Q Mr. Perez, from the time you went to visit

Ortega did you continue work at your office?

A No, I didn't return again to my office.

Q Why was that?

A I was afraid that I would be arrested for the case in Puerto Rico.

Q Now, did Mr. Uziel agree to do what Ortega asked him to do?

A Yes.

MR. PANZER: I object. I would like to hear the conversation.

THE COURT: What was said between the two of them on that subject?

MR. BELLER: I thought the witness had already done it.

THE COURT: There is no occasion for your question if he had already done it.

MR. BELLER: He already recited the conversation.

THE COURT: Put the question.

BY MR. BELLER:

Q Did Mr. Uziel thereafter deliver messages to you at your office?

A Could you repeat the question, please?

Q Did Mr. Uziel thereafter deliver messages

to you at your office?

A Yes, correct.

THE COURT: Who was at your office?

THE WITNESS: In 992 Amsterdam Avenue.

THE COURT: No, who was there?

THE WITNESS: My wife and we had three or four employees.

Q Mr. Perez, did there come a time when you met a man named Roberto Gonzalez?

A Correct.

Q When was that?

A In February -- in the first part of February of 1971.

Q And where did you meet him?

A Ortega and I went to pick him up at the Hotel New Yorker on 34th and Eighth Avenue, and from there we took him to the apartment in North Bergen on 82nd Street.

Q And did you have a conversation with Ortega and Gonzalez at that time?

A Correct. Gonzalez was Colombian, he had just arrived from Colombia, he was a Colombian. And he had had previous transactions in drugs with Ortega, and he explained to him that he had come to see him

especially because he had a fantastic plan.

Q What was that plan, did he say?

A Yes. Yes, he said that he could introduce cocaine into the United States in liquid form.

Q And did he discuss how he would do that?

A Correct. He said he had connections to buy cocaine in paste in Bolivia and Chile, British Colombia, where he already had a laboratory to convert it into liquid, enter it into the United States as liquor and process it here, put up a laboratory and process it into powder.

Q Did he indicate what the purpose of converting once from paste to liquid and then back to powder in the United States was?

A In order to enter it more easily into the United States.

Q In what way would it be entered more easily, did he say?

A In liquid form as liquor.

Q What I am asking is, what is the advantage of its coming into the United States in liquid form?

A It could be entered as contraband very easily. It would pass as liquor, any liquor in bottles.

Q What happened next, Mr. Perez?

A Ortega asked him what he needed, what did he have to do here. Gonzalez said that it would be easy to get alcohol of a very high grade, either an acetone, and that very day we went first to Connecticut to obtain alcohol of a very high grade which we obtained. And then afterwards we went to different pharmacies, which Ortega knew in order to try to obtain either an acetone, but only very small quantities were able to be obtained of acetone and ether.

Q Who is "we"?

A Ortega, Gonzalez and I.

Q Now, did you have occasion to see the defendant Manuel Uziel the following day.

A The next day, the following day, that night, Gonzalez, the Colombian, stayed and slept in the house in North Bergen and about 5 or 6 o'clock in the afternoon Uziel came and we sat down at the table, at the kitchen table, Uziel, Ortega, Gonzalez and I.

Ortega explained to Uziel the program which he had, the idea which had been brought by the Colombian, and the difficulties which we had had in obtaining some of the materials which were necessary.

Uziel offered himself immediately. He

said that he could obtain either, acetone and alcohol, in whatever quantities -- in large quantities, that he had contacts for that.

And Ortega said to Uziel that money was no object, that he should get whatever he could.

Q Mr. Perez, to your knowledge, did Mr. Uziel have any special knowledge of chemistry?

A I think so. At that moment or the next day he appeared with a chemistry book in Spanish. He said that he had knowledge of chemistry.

Q Did you get any instructions from Ortega at that meeting, at the second meeting?

A Correct. It was agreed with the Colombian that we were going to obtain a place for the laboratory. It had to be an isolated place or an industrial zone so that the neighbors wouldn't notice or be bothered by the smell of the ether or the alcohol or the acetone.

Q Well, did you receive any instructions with respect to this place?

A Correct, Ortega said to me that I together with Uziel, we should try to obtain this place.

The next day he turned over to the Colombian about 13 or 14 thousand dollars, and immediately we began, Uziel and I, to obtain the laboratory, a place

for the laboratory.

Q Now, when Gonzalez was still in the apartment and Uziel was in the apartment, was there any discussion with respect to the purity of the cocaine that would be developed by the process?

A Yes, correct.

Q What was that?

A Ortega had in a drawer a little bit of pure cocaine, two or three pieces of rock. When he took it out, he asked Gonzalez, "Will it be like this?"

Gonzalez tried it and he sniffed it and he said, "It will be pure, just like this."

And at that point Ortega made a remark that that had been given to him by Tony Stanzione, after Gonzalez asked him where he had obtained it, it's so pure.

Q Who was present during that conversation?

A Uziel, Ortega, Gonzalez, the Colombian and I.

Q Now, did you search for a location for this laboratory?

A Yes.

Q And will you tell the jury what you did?

A Uziel and I spent approximately two weeks

in different places, especially in New Jersey and Kearny. We found various places but they were too big or they wanted too large a lease or they wanted references.

And then we decided that possibly we could obtain a farm, a house where there were no neighbors, that was isolated.

Q And what did you do about that?

A We obtained, Uziel and I, a farm in Pennsylvania with approximately 64 acres. I signed the papers. It was going to be bought for $20,000.

Q Do you remember where this farm was located?

A I don't remember the town, but I know that it's in Pennsylvania.

Q Did you pay $20,000 for the farm?

A No, I gave a deposit of $700 or $750 until the credit was approved by the bank. Ortega was going to put up $5000 by way of deposit for the farm as a down payment.

Q I show you Government's Exhibit 39 for identification. Can you identify that exhibit?

A Yes.

Q What is that?

A It is the contract signed by the real estate and I, and this time the signature of Rafael Rivera, the

name that I was using in those times, and it was signed the 25th of April of '71.

Q Why were you using the name Rafael Rivera?

A I was afraid that they were looking for me under my real name and I had acquired those papers of a Puerto Rican under the name of Rafael Rivera.

MR. BELLER: Your Honor, at this time the government offers Exhibit 39 for identification into evidence.

THE COURT: You could show the jury the passport while they are looking at this document.

(Pause.)

MR. PANZER: I have no objection, your Honor.

THE COURT: All right, received.

MR. WHITE: No objection.

(Government's Exhibit 39 was received in evidence.)

MR. BELLER: Government's Exhibit 39 in evidence is a purchase offer and deposit receipt indicating that Rafael and Lorrie Rivera --

Q Who is Lorrie Rivera?

A A name that occurred to me at that moment.

MR. BELLER: -- of 37 East 64th Street in

New York agreed to purchase certain property located in Bradford County in the State of Pennsylvania. The owner's name and the property is described. The purchase price is indicated, $16,000, and the date is April 25, 1971, the signature of Rafael Rivera and the representative for the realty company is Theodore Manzek.

There are two signatures on the bottom, Joseph Manzek and Theodore Manzek.

Q Who is Joseph Manzek?

A The real estate agent.

Q Did you ever consummate the purchase of this Pennsylvania property?

A No.

Q Why not?

A After the farm in Pennsylvania had been obtained a summerhouse was offered to Ortega in East Hampton with 15 acres.

Q Where is East Hampton?

A Long Island.

Q Long Island?

A Yes. Ortega designated Uziel to go and see the house and it be considered appropriate to a laboratory, for a cocaine laboratory, that he should take it without his seeing it or my seeing it.

Q And what happened with respect to that property?

A Uziel went to East Hampton and he came back very impressed by the house. The house has 15 acres and we were going to rent it, or it was rented for the summer season for $4000.

When Uziel came back he gave the information to Ortega and to me, when I was present, and the next day Ortega gave the $4000 to me. I went with Uziel to a bank and I bought four money orders of $1000 apiece which I turned over to Uziel and he took charge of signing the contracts and doing everything.

Q Did there come a time when you went to visit the house in East Hampton?

A Yes.

Q I show you Government's Exhibits 40 and 41 for identification. Can you identify those exhibits?

A Yes, correct.

Q Start with No. 40. What is Exhibit 40?

A It is the front of the house in East Hampton. It's very secluded, with trees all around it.

Q Would you look at the back side of No. 40?

A That is the entrance, which is about three-quarters of a mile from the highway -- not a highway,

a road that has no traffic at all.

Q And Exhibit 41, starting in front?

A It's the back part of the house.

Q And would you turn the exhibit over?

A It's the side of the house.

MR. BELLER: Your Honor, the government offers Exhibit 40 and 41.

MR. PANZER: May I have a brief voir dire.

THE COURT: Certainly.

VOIR DIRE EXAMINATION

BY MR. PANZER:

Q Mr. Perez, did you take these pictures?

A No.

Q Do you know when they were taken?

A Yes.

Q What year?

A 1973.

Q And the time that this house was leased was when?

A 1971.

Q Yhis was two years later the picture was taken?

A Yes. The house was in the same condition.

Q Did I ask you that, Mr. Perez?

A No, but --

Q Somebody told you to answer that if I asked you that question?

MR. BELLER: I object.

MR. PANZER: That is all. I will pick it up later on cross examination.

MR. BELLER: Does that mean you have no objection?

MR. PANZER: No objection.

THE COURT: This is a good time for a luncheon break, ladies and gentlemen. See you at 2 o'clock. Don't forget where you are coming to.

(Government's Exhibits 40 and 41 were received in evidence.)

(Luncheon recess.)

AFTERNOON SESSION

(2.00 p.m.)

(Jury present.)

G E O R G E W A R R E N P E R E Z , resumed.

MR. BELLER: Your Honor, I took the opportunity to hand Mr. Perez' passport which I believe is Exhibit 37 to the jury and Exhibits 40 and 41 have just been received. I can't find 41 -- perhaps I will pass around 40. That is two views of the East Hampton home, the front view and this is the view of the road leading up, as it was testified.

THE COURT: You can proceed.

MR. BELLER: Yes,

DIRECT EXAMINATION (Continued)

BY MR. BELLER:

Q At about the same time while you were looking for these Pennsylvania properties and East Hampton properties did you receive orders from Ortega to look for yet another property for rental?

A Yes.

Q Will you explain to the jury the circumstances that led up to your receiving those instructions?

A Ortega received a letter from the Frenchmen in which he said, the letter I read to Ortega, that he should

look for a garage with a large entrance with the capacity for a truck.

Q You mentioned that you read it for him. To your knowledge was Ortega literate? Was he able to read and write English?

A NO, he had difficulty, not in English, in Spanish as well.

Q Did he speak English?

A Very little.

Q He spoke Spanish though, is that right?

A Yes.

Q Could he read Spanish?

A Very little.

Q Did you discuss with Ortega the purpose of renting this large garage?

A Correct. Ortega explained there was coming a truck and inside the truck there would come a racing car in which there would come approximately 100 kilos of heroin. The racing car had been registered at Watkins Glen.

Q What was Watkins Glen?

A Upstate, New York, an automobile race.

Q Whose plan was this, whose car was it to be?

A The car would be brought by the Frenchmen

inside the truck.

MR. PANZER: Could you ask him the date when this letter was received?

Q Do you recall when you read the letter to Mr. Ortega?

A Approximately in April -- it could be May too. In April or May or June; I don't remember exactly.

Q What year would this be?

A 1971.

Q What did You do with respect to these instructions you received from Ortega about the garage?

A Ortega explained to me and Uziel was present that we should obtain a garage immediately; that we should leave aside the question of the laboratory for cocaine, that this was more urgent and more important.

Uziel and I for approximately two weeks looked for the place which we found in Newark, New Jersey.

Q Did you find such a place?

A Yes.

Q Could you describe it for the jury, please?

A Quite a big garage with a capacity for six or eight trucks or ten or fifteen automobiles in a semi-industrial zone.

Q Were there negotiations for this garage, the

lease of the garage?

A Correct.

Q With whom, do you recall?

A Uziel and I went to the owner of the property, to the real estate. Uziel Spoke to the owner of the property and explained to him that we wanted the garage for some machinery and an industry that we were going to establish. Of course, all of that was fictitious, all of that was false.

Q Was the lease signed?

A Yes, a lease was signed with the owner of the garage, of the property.

Q I show you first Government's Exhibit 43 for identification. Could you identify that exhibit, please?

A Correct. It is the entrance to the garage.

Q That is the front side of the exhibit, is that correct?

A Yes. And the second one is the door and the entrance.

Q Mr. Perez, so the record would indicate, when you say the second, is that the top or the bottom?

A The one on top is the entrance to the garage. The smaller one is the entrance to the office.

Q What about the reverse side of the exhibit?

A It is the same photographed from different positions.

Q I show you Government's Exhibit 42 for identification. Do you recognize that exhibit?

A Yes. It is the contract signed by Manuel Uziel and the Wurtco Realty Corporation, the owner of the property for three months from May until June of 1971 -- four months, from March until June of 1971.

MR. BELLER: The Government offers Exhibits 42 and 43 in evidence.

THE COURT: Any objection?

MR. BELLER: While we are waiting can I pass around Exhibit 41?

THE COURT: Is that the one you couldn't find?

MR. BELLER: Yes, sir.

(Exhibit handed to jury.)

MR. PANZER: I have no objection.

MR. WHITE: No objection, your Honor.

THE COURT: Received.

(Government's Exhibits 42 and 43 for identification were received in evidence.)

MR. BELLER: Ladies and gentlemen, Exhibit 43 are photographs of a garage, two photographs on this side and two photographs on this side.

Q Do you recall the address in Newark, New Jersey?

A No, I don't remember at this moment.

MR. BELLER: Government's Exhibit 42 is on the letterhead of the Wurtco Realty Company, Route 44 and Kellogg Street in Newark, New Jersey, dated March, 1971 to Manuel Uziel, 9 Western Suburb, St. Croix, Virgin Islands.

(Exhibit read.)

Q After renting the garage in Newark what occurred with respect to the Schoch letter?

A The letter which the Schoches was written was answered. It was explained to them that a garage had been obtained in the conditions that they wanted.

Q You say it was answered. By whom and in what fashion?

A It was typewritten by me, dictated by Ortega and it was sent to an address in Nice, France.

Q What happened next?

A An answer to the letter was received and they will be here in the middle of June, from the Frenchmen.

Q Did you have occasion to rent other property for Ortega?

A Yes.

Q What was that?

A Ortega indicated to me that I should obtain a large house in a good place so that the Frenchmen wouldn't have to stay in a hotel or anything like that.

Q What did you do with respect to those instructions?

A I rented a house in Teaneck, New Jersey.

Q What kind of house was that?

A A large house, approximately three or four rooms with a value of the house approximately $50 or $60,000.

Q I show you Government's Exhibits 44 and 45 for identification.

First, can you identify Exhibit 44 for identification?

A Yes. The contract for the house signed by me for $460 monthly in rent for a two-eyar lease.

Q Exhibit 45, can you identify that?

A It is the house in Teaneck, New Jersey.

Q There are two photos on the front of the exhibit and two inthe back, on the reverse side.

Are those all photos of the house in Teaneck?

A Yes. One is part of the house and the other is the other side of the house.

Q How about the reverse?

THE COURT: That is on the face of the exhibit

you are using now in that answer.

A I don't remember now whether this is the back part. I know this is the front part but I don't know whether this is the back part.

THE COURT: The back part is on the top of the page and the front part that you are sure of is the bottom of the page?

THE WITNESS: Yes. On the top that could be a side of the house. I'm not sure. This is the front, I am positive of that.

Q Will you turn the exhibit over, please?

Do you recognize those photos?

A Yes. This is the side of the house and this is the garage of the house.

THE COURT: The bottom picture being the garage and the top picture being the side?

THE WITNESS: Yes.

MR. BELLER: The Government offers these three photos that is Exhibit 45.

THE COURT: Omitting the one he said he wasn't sure of?

MR. BELLER: That is correct. And Exhibit 44.

MR. PANZER: No objection.

MR. WHITE: No objection.

THE COURT: Received.

(Government's Exhibits 44 and 45 for identification wre received in evidence.)

MR. BELLER: Government's Exhibit 44 is a lease for property at 3372 Milford Terrace, Teaneck, commencing the 1st of May, 1971. It is dated April 14, 1971 and it is signed Rafael Rivera.

Q Who is Rafael Rivera?

A That is a name I was using.

Q There is another name here George Gonbard, something like that.

A That is the agent or the owner of the house.

MR. BELLER: And Government's Exhibit 45 consists of three photographs. It says 1372 on the front, side view, and a garage view.

Q Now, who occupied the house after it was rented in Teaneck?

A Ortega, the common law wife of his, and I.

Q Do you recall the name of Ortega's common law wife?

A Yes, Caridad Curi.

Q I don't think the last juror heard you over here?

A It's Caridad Curi.

Q Do you know how to spell Curi?

A Curi, C-u-r-i.

Q How long did you live in the house at Tea-

neck?

A From April until September of '71.

MR. BELLER: May I have just a moment, please?

(Pause.)

Q Mr. Perez, directing your attention to June, 1971,ddid you have occasion to dine with Ortega at that time in a Polynesian restaurant?

A Yes.

Q Where was that restaurant located?

A In New Jersey.

Q Do vou recall where?

A It is Union City or the vicinity.

Q And who was present on that occasion?

A Ortega and I.

Q And what happened?

A Ortega knew that the Frenchmen were about to arrive and after having finished eating he said to me, "I'm going to try to call Tony the Italian."

Q And did he do that?

A Yes.

Q Did you go with him?

A Correct.

Q Where?

A I went -- behind the restaurant there was an open phone. Ortega dialed the numbers and put in a coin. I don't know how many. And then he said to me, to whoever answered the phone I should say was Tony there, which I did.

Q What happened next?

A The person who answered the phone was a woman and I asked her was Tony there. She said, "Yes," and "Who is calling?"

"Luis."

She says, "Wait a moment."

About a minute later Tony came and I gave the telephone to Luis, to Ortega.

Then he said to me, "Stay close to me just in case I have some problem and I am unable to understand Tony."

Q And what happened next?

MR. ALTER: Your Honor, excuse me. May we approach the bench?

(At the side bar.)

MR. ALTER: It seems to me we are now being asked here the contents of a conversation overheard with somebody who is not necessarily familiar with the voice on the other end, and I would therefore object as to rank

an answer not translated. Shall I read it back?

MR. ALTER: Can we have the whole thing read.

THE COURT: Yes.

(Record read.)

THE COURT: Tony didn't give it to him.

A I was close to Ortega and Ortega say, "Stand by to me in case I wasn't able to understand what he said." So Ortega stay close to me. He was talking to the other party.

Q Did you hear a voice from the other end of the telephone?

A Yes.

Q Did you recognize the voice?

A Yes.

Q Whose voice was it?

A Tony the Italian.

Q What was the conversation at that point?

A Ortega say he was expecging the Frenchmen more or less. And he say, "Are you planning to leave the town?" And the other party say, "No."

Ortega say, "I will see you tomorrow."

That is more or less the conversation.

THE COURT: What language was this conversa-

tion?

THE WITNESS: English.

Q Now, did there finally come a time when you met the Schoches?

A Yes.

Q Do you know them?

A The Frenchmen.

Q Did there come a time when you met the Frenchmen?

A Yes.

Q When was that, do you recall?

A In the middle of July.

Q Do you recall the date?

A Yes, it was a Saturday.

Q I show you Government's Exhibit 46 for identification. Does that refresh your recollection as to the date that he met the Frenchmen?

MR.PANZER: He never said he wanted his recollection refreshed.

THE COURT: He said he thought it was a Saturday. He knows it was a Saturday. And he is asking for the date.

Is that a calendar you are showing him?

MR. BELLER: Yes.

A Yes, it was July 17th of '71.

Q And where did you meet them?

A I was with Ortega at the summer house in Belmar.

MR. BELLER: Your Honor, at this time the government offers Exhibit 47 in evidence.

I will also offer 46.

MR. PANZER: No objection.

MR. WHITE: We have no objection to this.

(Government's Exhibit 46 and 47 were received in evidence.)

MR. BELLER: Government's Exhibit 46 is a calendar. It indicates that the third Saturday in July was July 17th.

Government's Exhibit 47 are two Customs declarations. One is in the name of Denise Schoch, a citizen of Switzerland, staying at the Hilton Hotel, and the date of entry is July 4, 1971.

The second one is Claude Schoch, staying at the Hotel Americana. The date of entry is July 15, 1971.

Q Mr. Perez, you testified that you met the Frenchmen in the house in Belmar. Will you tell the jury what happened on that occasion?

A Approximately, about between 2 and 1 in the afternoon -- 12 and 1 -- two persons arrived, a man and

a woman. I was seated outside the house, on the porch. They asked for Luis and I let them in. And Luis said to me, "They are the Frenchmen who have just arrived." He presented one to me -- he introduced one to me as Claude and the other one as Denise.

A Claude is a man and Denise is a woman.

Q What happened next?

A Luis -- Ortega communicated to me that this was because the shipment is about to arrive. Otherwise they wouldn't have come.

We were at the house approximately an hour and a half or two hours, less -- no, about less than an hour. Then Ortega decided that we should return to the house in New Jersey, to Teaneck, with the Frenchmen.

Q Did you do that?

A Yes.

Q How did you get from Belmar to Teaneck?

A Ortega drove the car of the Frenchmen along with his wife, along with his common law wife, and I drove another car which Ortega had, which was registered in my name, a stationwagon, 1970, and Ortega left his car, a 1971 Caprice, parked in the garage.

Q What make is the Caprice?

A A chevy -- a Chevrolet, 1971.

Q What happened in Teaneck?

A We arrived. We sat down with the Frenchmen and Claude doesn't speak Spanish or English, he speaks only French.

Denise -- I found out there that they were brother and sister -- is fluent in English and in Spanish, and it was she who explained to Luis, and I was present, that the shipment, the truck with the racing car, would arrive that week on the Queen Elizabeth II.

Luis asked her what quantity was going to arrive and she explained to him 100 kilos.

Q What day of the week was that?

A Saturday night, about -- Saturday evening, about 4, 5, 6 o'clock.

Q What, if anything, happened on Sunday?

A Sunday morning Luis -- Denise had explained to Ortega and to me, my being present, that she had rented a house on Rockville Centre in Long Island, that we should go to the house to check a car, a Fiat, which she had brought, to see whether it had been inspected by U. S. Customs.

Q Did you do that?

A Yes.

Q What happened with respect to the car?

A We arrived at the house. The car, the Fiat, was parked in back. Ortega, Claude and I went to look at the car and we crouched under the car because Claude had to place on the screws some hairs.

Q What screws?

A Some screws under the double platform which the car had.

Q Will you explain to the jury what you mean by a double platform?

A The car came prepared with a double bottom which came empty in order to take the money back from here to Europe upon their return.

Q When you say double bottom, is that like a false bottom?

A Yes, correct.

Q Is there a space in between, is that the idea?

A Yes, correct.

Q What was the purpose of placing the hair on the screws?

A Claude was worried, and this is the way they did it, to see whether it had been inspected by Customs upon entering this country. And the car had been

brought by Denise on a ship.

Q Did he inspect the hair?

A Yes.

Q And what did he find?

A That it had not been touched by U. S. Customs, that everything was safe.

Q Is it fair to say had it been inspected --

MR. ALTER: Objection to the form of the question.

THE COURT: Rephrase the question.

Q What would the significance have been had the hair been disturbed, what would that have shown?

A If it had heen inspected by U. S. Customs the hairs -- he had put hairs on four or five screws -- would have been removed upon their being unscrewed.

Q After --

THE COURT: Was anything underneath the bottom?

A No.

Q What was this car to be used for, if you know?

A In order to transport the money from here to France.

Q And which money would that have been?

A The money from the 100 kilos of heroin which were expected, which would be approximately more than a million dollars.

Q Now, after inspecting the car at Rockville Center what did you do?

A From Rockville Centre we went to East Hampton, to the house in East Hampton, the five persons.

Q Which house in East Hampton is that?

A The house which I showed you in the photograph.

Q And who went to the house in East Hampton?

A The Schoch brother and sister, Ortega and I.

Q And how long did you stay there?

A From Sunday afternoon until Tuesday, in the morning.

Q Tuesday was on the 20th of July, is that correct?

A I think so, yes.

Q What happened next, do you recall?

A Upon returning Tuesday morning to the house in Teaneck -- at noon, Denise explained that she had to leave because she had to see a person at Jack Dempsey's restaurant, but before that, I don't remember whether it was Tuesday or Wednesday, we went first to inspect the garage -- Denise, Claude, Ortega and I -- to the

garage in Newark. Claude found the garage perfect. He said that the truck would enter without any difficulty.

Q Now, what happened next?

A From the garage in Newark Luis Ortega said, "Let's go to North Bergen, to 82nd Street, in New Jersey," where they stayed, Claude and Denise, while Ortega and I went back in Fort Lee, New Jersey.

Q And what happened there?

A Luis told me that he was going to take money out of the bank. I stayed in the car and he went with a suitcase, quite a big briefcase, and he returned and he said to me, "I have the money here, it's half a million dollars. Let's go to the house to count it together with the Frenchmen."

Q Did you do that?

A Yes. We returned to North Bergen, to 82nd Street, and the kitchen table, the Schoches, brother and sister, Ortega and I. Ortega opened the briefcase. There was half a million dollars in $100 bills and in other denominations, which I don't remember at this moment.

Q What happened after you opened the briefcase?

A We began to count the money in $100 bills, the four of us. After about 10 minutes of counting the money Ortega sent me out to buy making tape and a a black enamel spray. While I went to look for it the Frenchmen and Ortega stayed counting the money, while I went to look for the masking tape and the paint.

When I returned they had practically finished and we began to wrap it up in packages of 30 or 40 thousand dollars, I don't remember, in the sort of paper that is used to dry one's hands, paper towels.

We put masking tape on all of the money and we put it back into the briefcase and we returned to Teaneck, the four of us.

At that point Claude and Denise left, saying that they would return on Friday because the truck was coming on the Queen Elizabeth II and they wanted to go to the pier to see the ship arrive and see whether the truck would have any difficulty.

They agreed to return on Friday.

Q Mr. Perez, would you explain to the jury what the purpose of wrapping the money in the paper towell and spraying it with the enamel paint was?

A No, it wasn't painted with the enamel; it

was left all prepared with the masking tape.

Q What was the purpose of wrapping the money in towels, paper towels?

A The purpose was once the operation was all finished, to put that money in the double bottom of the Fiat, of the car which had been left at Rockville Centre.

Q And what was the purpose of purchasing the enamel paint?

A In order to paint it just in case they inspected the car upon its arrival in France, so that it should not be noticed, it would all ne black.

Q Just so this is clear, what would be painted?

A The packages of $40,000 wrapped in masking tape and painted, sprayed black.

Q On Wednesday evening did you have occasion to go with Ortega to Belmar?

A Yes.

Q And --

MR. ALTER: May we have a date.

MR. BELLER: Wednesday, the 21st. Is that all right.

MR. PANZER: I would like to hear him say.

MR. BELLER: I believe, your Honor, I asked the witness if on Wednesday he went to Belmar.

A Yes.

MR. BELLER: He said Wednesday.

Q On Wednesday, the 21st, you went to Belmar. Did you tell the jury that?

A Correct. We went to Belmar, Ortega and I, in the stationwagon which was registered to my name, and at the same time to pick up the Chevrolet Caprice for Ortega which had been left at the house in Belmar.

Q What else happened in Belmar?

A At Belmar we went to eat, Ortega and I, and approximately between 9 and 10 at night Ortega said, "Let's go to eat at Asbury Park." After our supper Ortega said, "I'm going to call Tony."

Always when he referred to Tony he would say Tony the Italian.

Q And did he do that?

A Yes, we went to a public telephone, took a booth.

Ortega said to me, "Let me call." He took a piece of paper out of his pocket, out of his wallet and he left the door of the booth, of the telephone booth, open. He called. He called the number and he

gave me the telephone.

Q Before you go into the conversation, what was on the piece of paper?

A A telephone number on various pieces of paper, but among them a disk like the ones that are placed on a telephone and another piece of paper apart with the telephone number which said "Tony."

Q Now, was there a conversation at that time?

A Yes.

Q Will you tell the jury what that conversation was?

A I asked whether Tony was there. A woman answered as usual "Luis is calling him." A couple of minutes later Tony returned.

I was listening to the conversation and Ortega said, was saying to Tony, "The Frenchmen have just arrived" and I heard from the other side that Tony was saying "Everything that they bring I will take it."

Ortega said to him, "I will see you tomorrow or the next day."

Q Did you learn about a second phone call made by Ortega?

A If I learn?

Q Did there come a time when you learned about a second phone call made by Ortega?

A Yes.

Q What was that?

A That very night Ortega said to me, "I am going to call Tony, Nico, the one from Miami so he can come up and help me."

I stayed at the house. He went out, I imagine

he made a phone call.

MR. ALTER: Objection to what the witness imagined.

THE WITNESS: I haven't finished.

THE COURT: Just what you saw, not what you imagine.

THE WITNESS: I haven't finished.

A (Continuing) When he returned he said to me "I communicated with Nico and I expect him Friday or Saturday."

He said, "Surely you will come with El Gallego."

Q Did you and Ortega do anything else that day?

A No, on Thursday, Thursday. Ortega said, "Let us do all of the preparations." We came to New York, to Broadway and 70th Street to a luggage store. There Ortega bought six large suitcases. The employee knew him, he gave him a $5 tip. He paid approximately $250 or $300 for the suitcases. We returned to the house, we picked up a briefcase with tools and a cable with a light, the sort used by mechanics, and we took them to the garage in Newark and we returned to the house.

Q Mr. Perez, will you explain to the jury the purpose of the six suitcases?

A The purpose of the six suitcases was to put all

the drugs in to deliver it in that way.

MR. BELLER: Your Honor, the usual rule is to work for seven days and rest but maybe we could recess. This is a good point.

THE COURT: All right, ladies and gentlemen, we will take a ten-minute recess.

(Recess.)

BY MR. BELLER:

Q Mr. Perez, directing your attention to Friday, the 23rd of July, will you tell the jury what happened on that day?

A Yes. Mr. Ortega and I were waiting for the Frenchmen. They arrived approximately -- Claude and Denise -- approximately between 11 and 12. They said to Luis and I that we should sit down at the table, to me.

We sat down at the table, Luis, his wife, the Frenchmen and I and they explain to us that they had a problem with the truck at LeHavre or Southampton -- I don't know.

Q Do you know where LeHavre is?

A In France.

Q And Southampton?

A England. She explained to us that the truck had not been able to enter the ship, that they had had

difficulties. I don't remember whether it was the measurements of the truck -- it had been made especially for the car and for the drugs, of course.

She explained to us that she communicated with Maurice, her brother, and that nothing would be able to be done, the truck wasn't able to come on the Queen Elizabeth.

Q What happened after you received that information?

A At that moment it was explained to us -- Luis was of course annoyed and they as well --she explained to us that she had spoken to Maurice and there was no problem, the next shipment would be in January -- in February and it would be registered as a race in Sebring in Florida and instead of bringing 100 kilos there would be 300.

They asked Luis in front of me whether he would have any difficulty in selling the 300 kilos quickly.

Luis said to them, "No, there would be no problem whatsoever."

Luis offered money to Denise and she asked him for $2000 to go shopping which Luis gave her, and they left.

Q You say there would be a shipment to Sebring in January -- February?

A In February, yes.

Q 1972, is that correct?

A Yes.

Q What is Sebring?

A Sebring is a racing car in Florida which is very famous.

Q A racing car?

A Racing car, place where the car is racing. No, it is not a racing car.

Q What happened after Denise and Claude left?

A After they left at mid-day, around four, Ortega said to me, "Nico must have arrived and he must have put up in the Holiday Inn in Little Ferry. Check to see whether he arrived at the hotel."

Q Where is Little Ferry?

A In New Jersey.

Q What did you do?

A I went to the Holiday Inn in Little Ferry. I went to the front desk and I asked the clerk whether there was a person registered under the name of Antonio Vidal Borrego. He said to me "Yes".

He gave me the number of the room. I went to the room, I knocked on the door. There was nobody there so I left a note under the door so that he should go immediately to see Ortega.

Q What happened next?

A I returned to the house in Teaneck, New Jersey. Then Ortega said to me that he was going to get in touch with Tony the Italian to explain that the shipment had not been able to arrive.

Q Did there come a time when you saw the defendant Vidal that day?

A No, on Saturday. He came to the house at Teaneck. He said to Ortega that he received the note in his room.

Ortega explained to Vidal in front of me the problem which the Frenchmen had had. Vidal appeared to have some doubts so then he said to him, "Let's go to the garage so you can see the suitcases which I had prepared."

Q Who said it to him?

A Ortega said to Vidal.

Q What happened next?

A We went, the three of us, Ortega, Vidal and I, to the garage. I opened it and the suitcases were there. Vidal said, "This isn't necessary, I believe you" but at that moment he asked Ortega for two suitcases which he gave him.

THE COURT: A few or two?

THE WITNESS: Two.

Q Two suitcases? Did you have occasion to see Mr. Uziel that day?

A Correct. The next day, Saturday, approximately seven or eight at night Uziel arrived at the house. He sat down with us at the dining room table with Ortega and I and Uziel and he explained to him that the Frenchmen had come, they expected the racing car but it had not been able to come.

Q What if anything was done with the $500,000 that you testified to earlier?

A The next Tuesday, that is to say Saturday, Sunday, Monday, Tuesday, Ortega said we can't do anything with so much money here in the house, let us take it to the bank.

We went to the bank in Fort Lee. I stayed outside waiting for him while he went into the bank. He entered the bank with a briefcase and he returned.

Q Now, Mr. Perez, directing your attention to August of 1971, did you talk to Ortega again about heroin shipments?

A Yes.

Q What did he say and what did you say?

A While at the beach with Ortega in Belmar, New Jersey, he said to me, "George, my friend, my lawyer friend

Edwin Torres has just communicated to me that Orsini was at the office looking for me and he was unable to find me at the office of Edwin Torres but that he left him a message to the effect that he would return within four weeks."

Ortega said to me, "Surely it is that Orsini is coming with a shipment. Monday we will return to Teaneck, New Jersey and write to him immediately."

Q Had you already met Orsini?

A Yes.

Q When was that?

A In December of 1970.

Q And where had you met him?

A At my office.

Q What were the circumstances under which you met him?

A It would have been approximately 8 o'clock at night. I was at my house. Ortega came to me and he said, "I need two tickets quickly. I have two Frenchmen who are waiting for me downstaits and I have some money to give to you."

Q Did you go downstairs?

A Yes.

Q What happened?

A Yes, I went downstairs. I went down-stairs and there were two Frenchmen in a car. One I knew, the other one I didn't. The one I didn't know turned over to me a briefcasewith money in it, that is to say, Luis' money.

We went to my office which was already closed. Ortega said to me, "In the briefcase I have $250,000 so that you can change it for me into $100 bills and I need two tickets for the Orsinis," who were brothers. "So prepare them for me e-or Argentina and first class."

Q Do you recall in what name you issued the

tickets?

A One was Latour and and I don't remember exactly the name of the other one.

Q I show you Government's Exhibit 48 for identification. Can you identify that exhibit?

A Yes. One is Huguen, Jean Huguen, and Latour.

Q Who paid for those tickets?

A Ortega.

Q And for whom were they issued?

A For the Orsinis. I already knew they were Orsinis. He communicated to me that they were brothers, that he had received from them a shipment and that they were returning to Argentina.

Q Incidentally, you mentioned $250,000. What did you do with that money?

A I changed the $250,000 for Ortega into $100 bills.

Q Did Ortega discuss with you what the purpose of that money was for -- what the purpose of the money was?

A That the shipment which she had brought -- the shipment which the Orsinis had brought he had already distributed, that Vidal had helped him to deliver the shipment -- Vidal and El Gallego. He also mentioned

Vidal and El Gallego.

Q Did he say to whom the shipment was delivered?

A To Tony the Italian.

MR. BELLER: Your Honor, the government offers Exhibit 48.

(Pause.)

MR. WHITE: No objection.

THE COURT: Received.

(Government's Exhibit 48 was received in evidence.)

MR. BELLER: Government's Exhibit 48 is two tickets, one in the name of Juen Huguen, New York to Buenos Aires, for a flight on the 24th of November, $343. And the second coupon is in the name of Mr. Henri Latour, November 29, 1970. The amount paid is $343, New York to Buenos Aires.

Q Returning now to approximately nine months later then to August, 1971, after hearing that Orsini was looking for him, what did Ortega do?

A Monday of that week Ortega and I headed to Argentina and Ortega dictated the letter to me to Latour under the name of Latour. He said, "Let us give them, aside from the Riverside address, 587 Riverside, or the address of the lawyer, the address of your

office."

Q One moment. You said aside from the Riverside address?

A Yes.

Q What do you mean by that?

A Orsini had the Riverside address, Riverside Drive address, where he received correspondence under the name of Esther Sierra.

Q Who had that address?

A Orsini.

Q Who lived in that address?

A I think that Esther Sierra lived there on that occasion already.

Q Is this the same Esther Sierra you already testified about?

A Yes, the same one.

Q Do you recall the address at Riverside Drive?

A 867 or 587; I don't remember exactly.

Q Riverside Drive?

A Yes.

Q Go ahead. What else was in the letter?

A Ortega -- in the letter Ortega suggested that we give them two more addresses, one of his mother-in-law and one of my office.

Q Which office address did you give?

A That of 992 Amsterdam Avenue, and that of his mother on Kennedy Boulevard in Union City, New Jersey.

Q And whose mother is that?

A The mother-in-law -- the mother of Caridad Curi.

Q That was at Kennedy Boulevard in Union City, New Jersey, is that correct?

A Yes, yes.

Q Did you mail the letter?

A Yes, we went directly to the central post office on 32nd, 33rd and Eighth Avenue and it was sent special delivery and registered.

Q What happened next?

A Approximately -- we returned to the house in Teaneck and from the house in Teaneck to Belmar once again.

Q Did thefe come a time when you received a messate from Orsini?

A Yes, approximately September 17th or 18th. About two or three in the afternoon I went to visit the mother-in-law of Ortega on Kennedy Boulevard and she communicated to me that a man -- that my wife had called

the house, that there had been a Frenchman in the office looking for Ortega and that he had left a note there.

Q And what did you do next?

A I returned from Union City to Teaneck and I communicated it to Ortega and he said to me, "That must be Orsini who is arriving with some shipment, but I don't want you -- I don't want you to go to the office to pick up the note. Let us wait to see whether Uziel will come tonight."

Q And did he?

A Yes.

Q What happened at that time?

A Approximately 6:30 or 7 at night Uziel came to the house in Teaneck and Ortega said to him, "Go immediately to George's office in New York and bring a message which Orsini left there. Surely he's coming with some shipment."

Q And what happened next?

A Uziel went to my office. My wife turned over to him the note and he arrived at the house in Teaneck and he gave it to Ortega. On the note was the name of Huguen. There was the hotel where he was put up.

Q Do you recall the name of the hotel?

A Yes, I think it's Hotel Alrae.

Q What happened after you received the note?

A There was a telephone number on the note and the number of the room. Ortega said, "Let's call from outside."

Q And what did you do?

A Ortega, Uziel and I went up to Route 4, to a garage, and Ortega asked Uziel to make the phone call.

Q Mr. Perez, were you able to make the call from the house in Teaneck?

A No.

Q Why not?

A The house didn't have a telephone.

Q Was there a telephone in the house in Belmar?

A No.

Q What about in the house in North Bergen?

A No, none of the houses in which Ortega lived had a telephone.

Q Did you ever have a discussion or conversation with Ortega about that fact?

A He was afraid of talking from the house and he never used phones, only public phones on the outside.

Q Now, was there a phone call made from this garage on Route 4? Tell me, where is Route 4? I mean, where along Route 4 did you make this phone call?

A Past Teaneck, going south or going west. I don't remember what that town is called. It could be Hackensack. It could be Hackensack or the next town.

Q But it was in New Jersey, is that correct?

A Yes.

Q And what happened when the call was made?

A After Uziel placed the call and they communicated him with the room, he gave the telephone to Ortega. Ortega began to speak Spanish, but it seems that the other person on the other line didn't understand him because he only spoke French.

Q What happened next?

A Ortega said to me, "Let's wait for five minutes and you place the call."

Q Did you?

A Yes, I called the hotel. I asked whether Mr. Huguen was puy up there in order to confirm the room number which was on the piece of paper. The clerk of the hotel said yes, he was put up there but they would not give the room number over the telephone.

Q And what happened next?

A Ortega, Uziel and I returned to the house in Teaneck. Ortega asked Uziel what was he going to do that night. Uziel said that was at his disposition, but that he had an errand to run and that at the hour he needed him he would be back.

Ortega said, "Uziel, surely it's Orsini who is coming with the car."

Q Did anything else happen at that time?

A Yes. Uziel asked Ortega for $2000, which Ortega gave to Uziel in front of me, and Uziel agreed to come back between 9 and 9:30 at night.

Q Did he leave at that point?

A Yes. Uziel left.

Q What happened after he left?

A Approximately at 8:30 at night -- approximately at 8:30 at night Ortega and I went to pick up Orsini at the Hotel Areal. We parked the car, the stationwagon, which I -- which Ortega drove.

Ortega indicated to me that I should go to the hotel, I should check with the clerk there.

I went and they communicated me with the hotel. I spoke to Orsini. I spoke to him in Spanish.

I explained to him that Luis Ortega would return in five minutes, that he should wait for him.

I returned to the automobile and Ortega went to the Hotel and within about ten minutes he returned with Orsini.

Q Let me interrupt a minute. There is a noise coming from outside here so I'll ask you to keep your voices up.

What happened when Ortega returned?

A He returned to Orinsi and then Orsini showed him a ticket of Madison Square Garden. He said there was car at Madison Square Garden, a Jaguar containing 97 kilos of heroin.

Q What happened next?

A We returned -- that conversation takes place in the car -- we returned to the house in Teaneck. Luis Ortega says, "Let's wait for Uziel."

By this time Orsini explained to him that the car was standard shift. I explained to Orsini that I didn't know how to drive the standard shift. He says there is no difficulty whatsoever, Uziel will pick it up.

Q What happened next?

A We waited approximately until 10 o'clock at night and upon Uziel not coming back Ortega, Orsini and I decided to go down and pick up the car.

Q Did you have a discussion about who would drive the car?

A We changed cars. Ortega drove a Chevy Caprice, 1971.

Q Did you have a discussion with Ortega about who would drive the Jaguar?

A He said my not knowing how to drive the car, he would drive it but he didn't want to wait any longer for Uziel. Uziel did know how to drive the standard shift.

Q Which car did you take to go and pick up the Jaguar?

A The Chevy Caprice 1971.

Q Was that the same car you used to go and pick up Orsini?

A No, a different automobile.

Q Which car did you use to pick up Orsini?

A In the station wagon of 1970, a Mercury.

Q Did you have a conversation with Ortega about why you used a different car?

A In case that the other automobile had been checked by the police.

Q What does that mean, checked?

A That they had followed Orsini or had suspicions of something.

Q Did you drive to New York?

A Yes.

Q Where did you go to?

A We went directly, Orsini, Ortega and I to the

Madison Square Garden garage.

Q Where is that located?

A On 31st Street between Seventh and Eighth.

Q What happened when you arrived?

A Upon arriving there there was a large crowd which had come out of Madison Square Garden because there was a festival, a Mexican rodeo.

Ortega decided to wait until later.

Q Then what did you do?

A From there we went to a French restaurant which was called La Crepe on 68th and Broadway.

Q At the restaurant did you have a conversation about this shipment of heroin?

A Correct.

Q What was it?

A Ortega said at that moment "I am going to call Tony the Italian."

I explained to him, "Don't call him so that what happened in July won't happen. Wait until you have the merchandise in your hands."

Q What were you referring to, what happened in July?

A To the shipment of the Schoches in the racing car.

Q What did you do after dinner?

A We returned to the Madison Square Garden garage, Ortega entered and I stayed outside with Orsini in the Caprice.

Ortega came out and he said that I should follow him to New Jersey. I followed him and the car stopped on 31st Street and Eighth, stalled. It had a problem.

Q What happened next?

A After about five minutes of trying to start the car there arrived two persons in shirtsleeves saying that they knew how to drive the car, they coukd start it.

One of them asked whose was the car. Ortega said that it was his. One of the persons sat down in the car and the other one began to fool with the motor.

Q What happened next?

A After about three or four minutes we had more than 40 agents of the Bureau of Narcotics & Dangerous Drugs and they arrested us.

Q Who were the two people who tried to help you start the car?

A Later I found out they were agents of the Bureau of Narcotics.

Q Did they participate in the arrest?

A Yes.

weren't so, and there is that problem of having a juror who is unable to focus on the evidence because his mind is distracted. I don't suppose that is very helpful in stating the problem.

THE COURT: Well, what I think I will do is I will tell him when I see him later. I don't want him to get the idea I talked to you. I will see how it works out.

Thank you.

(In open court, without the presence of the jury.)

MR. BELLER: Put on the record that I turned over Exhibits 3539 and 3540, the 3500 material for Finklea, Pritchard and Gonzalez.

(Pause.)

(Jury present.)

G E O R G E W A R R E N P E R E Z , resumed.

THE COURT: Good morning, ladies and gentlemen.

(Addressing Juror No. 2) I will see you later.

MR. BELLER: May I proceed, your Honor?

THE COURT: Please doi

DIRECT EXAMINATION (Continued)

BY MR. BELLER:

Q Mr. Perez, you testified yesterday that you were

arrested on Saturday night, September 18; is that correct?

A Yes.

Q Now, after your arrest where were you taken?

A I was taken to the House of Detention on West Street.

Q Is that West Street located in lower Manhattan? Is that correct?

A Yes.

Q How long did you stay in West Street?

A From Sunday afternoon until Tuesday afternoon.

Q Now, did there come a time when you were brought before a Magistrate for bail?

A Yes.

Q When was that?

A That was Monday, the 19th or the 20th.

Q Do you recall the amount of your bail?

MR. PANZER: Your Honor, I object. I don't see the relevancy at this point unless he wants to make an offer.

THE COURT: I don't see the relevancy of it.

MR. BELLER: All right. I will withdraw it.

Q You said that you stayed in West Street until Tuesday. Where did you go on Tuesday?

A I was transferred from West Street to Nassau

County Jail.

Q Now, after your bail was set and prior to being transferred to Nassau County, did you have a conversation with Luis Ortega?

A Yes.

Q Tell the jury what he said and what you said?

MR. ALTER: May we have where and when on this?

MR. PANZER: Your Honor, could we have a side bar on this?

THE COURT: Yes.

(At the side bar.)

THE COURT: Is it your contention that the conspiracy is over?

MR. PANZER: Right. And I haven't heard anything to the contrary. I would like to hear.

MR. BELLER: Once the testimony is in you will.

MR. PANZER: I think we are entitled to hear what the offer of proof is.

MR. BELLER: As in the last case, your Honor, it is the Government's contention that had Ortega made the statements to an agent that would have been a Bruton problem. However, he is making arrangements for the furtherance of the conspiracy, the distribution of profits and the carrying on of business.

(In open court.)

BY MR. BELLER:

Q Subsequent to the setting of bail and prior to your transfer to Nassau County, did you have a conversation with Luis Gomez Ortega?

A Yes.

Q Where did you have that conversation?

A In West Street.

Q The House of Detention?

A Yes.

Q What did Ortega say and what did you say?

A Ortega and I were in the same cell in segregation. He said to me, "You will have no problems if your bail is reduced, I will put it up."

He said, "I have sent a message to Vidal so that he should come to New York so that he should withdraw the money that is in the bank in Fort Lee and whatever problem you have, he will resolve it. From now on he will be the one who will be in charge of everything."

Q Had you had conversations previously with Ortega about the Fort Lee bank?

A Yes.

Q In those conversations did he say where he kept that money?

A Yes. He had a safe-deposit box in the bank at Fort Lee where we had gone, he and I. It was under the name of Juan Plaza and Vidal who were the only persons who had access to the safe-deposit box in the bank.

That is to say, the same bank where beforehand he had taken out the $500,000.

Q Mr. Perez, did there come a time when your bail was lowered?

A Yes.

Q Do you recall approximately when that was?

A In the first part of October of 1971, October or November -- the first part of November.

Q What was your bail at that time?

THE COURT: The lowered part.

A My bail was reduced to $25,000 cash.

Q Was that posted for your release?

A Yes.

Q After you were released on bail did you have occasion to see Ortega?

A Yes.

Q Where was that?

A The second day of my having been out on bail I went to see Ortega since he had sent me a message to his wife that it was important that I come and see him.

Q Did you have a conversation with him?

A Yes. He said to me that if --

Q Where was that conversation?

A I visited him at West Street, in the Federal House of Detention.

Q What did he say and what did you say?

A Ortega said to me did I know he put up the bail, the $25,000? That Vidal had already taken all of the money out of the bank and that the $25,000 had been delivered to an employee of my office in Miami

THE COURT: Whose office?

THE WITNESS: Employee of my office.

THE COURT: The witness' office.

Q Did you receive any specific instructions from Ortega?

A Correct. He said to me he and I had an account in a safe-deposit box in a bank in Hackensack, New Jersey where there was a considerable quantity of jewelry.

He said to me that I should take it out and give it to his wife.

Q Excuse me, who is his wife?

A That was not his wife, it was another common law wife.

Q What is her name?

A Daisy.

Q What did you do next?

A I explained to him that I didn't have the key, the key in order to have access to the safe-deposit box. Luis explained to me that all of his documentation and all of his papers were in the possession of Vidal. I had to make contact with Vidal and all the keys, and I had to make contact in order to locate Vidal through his wife Daisy.

Q Did you thereafter have occasion to see Vidal?

A Correct.

Q Where?

A About four or five days later he came to my office.

Q Did you have a conversation with him?

A Correct.

Q What did he say?

A He repeated to me again did I know that he put up the money for my bail. I answered him yes.

He asked me whether I had the keys to the bank so that he could get out of it all of the jewelry.

Q What did you say?

A I explained to him that, no, that possibly he had them and that he would bring some keys that belonged to

Luis Ortega.

Q What happened at that point?

A Three or four days later he made a special trip from Miami to New York. He showed me some keys and I was able to identify the key to the bank. I said to him that I would take out the jewels and I would deliver them to Daisy.

Q What did you did then?

A These were the orders that I had from Ortega which had been given to Vidal as well.

Q Did you go to the bank?

A Correct.

Q This bank is in Hackensack, New Jersey, is that correct?

A Yes.

Q What did you do at the bank?

A I went to the bank, I took out all of the jewels. I took them to my office. I called Ortega's wife and we made an inventory between us of the jewels and I remained with a copy of the inventory of the jewels which I gave to her.

Q Mr. Perez, I show you Government's Exhibits 49-A, B and C for identification.

Can you identify those exhibits? Start with

49-A.

A Yes. This is my signature under the name of Rafael Rivera and the other is that of Juan Plaza who is Ortega. The number of deposit or account where it says that is a joint account.

Q What is that card actually?

A It is the copy which the bank maintains as a record.

Q A signature card, is that correct?

A Correct.

Q 49-B is this for the Hackensack bank?

A Exactly.

Q Can you identify 49-B?

A Yes, it is the same thing.

Q Excuse me, let us do 49-B?

A It is my signature and that of Ortega.

Q And 49-C?

A It is the day that the box was opened, that we opened the safe-deposit box and the other is the 16th of November 1971 which is when I took out the jewels.

Q Does your signature appear on 49-C?

A Correct.

Q In what name?

A Rafael Rivera.

Q I show you Government's Exhibit 50-B.

Can you identify that exhibit?

A Correct.

Q What is it?

A It is a copy of the inventory which we did between us, Daisy and I in the writing of Daisy Ortega dated November 17, 1971, the day after I took the jewels out of the bank.

Q What are the entries on that receipt? What do they signify?

A I don't know what you mean.

Q The receipt has entries on it, it has words and so on. What does the receipt signify?

A Each one signifies a different piece of jewelry.

Q Where did those jewels come from?

A All of them were of Ortega.

Q And Government's Exhibit 50-A. Can you identify that?

A It is the translation from English to Spanish -- from Spanish to English.

Q In what language is the receipt?

A The inventory is in Spanish.

MR. BELLER: At this time the Government offers Exhibits 49-A, B and C and 50-A and B into evidence.

ars

cussion.

THE COURT: Received.

(Government's Exhibits 49-A and B and C and Government's Exhibits 50-A and B were received in evidence.)

(Government's Exhibits 49-A, B and C read.)

MR. BELLER: Government's Exhibit 50-B is the receipt with the date November 17, 1971 in the corner and a translation indicates that it is a receipt for.

(Translation read.)

BY MR. BELLER:

Q Mr. Perez, this lists eight listings under wristwatches or clocks. Does that indicate that there were eight of them?

A Yes.

Q What is the significance of diamond Luis?

A It was a big diamond, about a four-karat diamond.

MR. BELLER: With the Court's permission I would like to pass around 49-A, B and C.

THE COURT: Those are the cards?

MR. BELLER: Yes.

THE COURT: All right.

(Exhibits handed to jury.)

Q Mr. Perez, did there come a time when you were

convicted for your acivities in connection with the Jaguar?

A Yes.

Q When was that?

A March 14, 1972.

Q In which court was that?

A In the Southern District Court, here in this building.

Q What was the charge against you?

A Conspiracy to import narcotics and possession of narcotics.

THE COURT: Incidentally, ladies and gentlemen, the fact that he was convicted of that has no bearing on the issue whether or not either of these two gentlemen are guilty of the same conspiracy or indeed of whether there was a conspiracy.

The only bearing it has on this case is the issue that both counsel argued in their openings to you, presented in their openings to you, namely, does it give him a motive to testify falsely here before you.

Q Were you sentenced in connection with that conviction?

A Yes.

Q What was your sentence?

A Seven years, $7000 fine.

Q Who was the judge who sentenced you, do you recall?

A Lawrence Pierce.

Q Did there come a time when you decided to cooperate with the Federal Government?

A Yes.

Q When did you begin to serve your sentence?

A April 14, 1972.

Q When did you begin to cooperate with the Federal Government?

A February 1973.

THE COURT: Where were you serving your sentence?

THE WITNESS: Lewisburg.

Q Did there come a time thereafter when you made a motion to reduce your sentence?

A Yes.

Q What was the result of that motion?

A I presented the motion to have my sentence reduced and it was granted to time served. That was last year, May 2nd, 1974.

Q Who was the judge to whom you presented the motion?

A The same judge that sentenced me, Lawrence

Pierce.

Q That is the judge who granted the motion?

A Yes.

Q Would you tell the jury, Mr. Perez, what promises have been made to you with respect to cooperation with the Federal Government?

A The promises which the Federal Government to me was that I would not be indicted for another crime in relation with drugs, neither I nor any of my family or any member of my family.

That I would be given protection by the Government --

MR. PANZER: May we have a side bar?

(At the side bar.)

MR. PANZER: Now, this issue was not raised by the defense and it was brought out on direct examination and I move for a mistrial.

THE COURT: What issue wasn't raised by the defense?

MR. PANZER: I didn't cross-examine yet.

THE COURT: You said on opening that he was the goddamdest liar and he was making a deal with the Government.

MR. PANZER: That is true.

THE COURT: Why do you say you didn't raise the

MR. ALTER: No.

THE COURT: Leave relocation and proceed.

MR. ALTER: Is there anything else which we should know in terms of inflammatory promises?

MR. BELLER: Everything that he is going to say he already said before and you made an opening and Mr. Panzer made an opening as to question his motives and it would be proper in any event so that the record is clear.

THE COURT: Go ahead with that.

(In open court.)

BY MR. BELLER:

Q Mr. Perez, you were promised, were you not, that your cooperation would be called to the attention of the sentencing judge?

A Correct.

Q Was it?

A Yes.

Q Did the Government write a letter to the judge at the time of the motion to reduce?

A Yes.

Q That letter outlined your cooperation, is that correct?

A Yes.

Q You said that you would not be prosecuted for any drug crimes, you were promised by the government that you would not be prosecuted for anything you told them, is that correct?

A Correct, with the exception of perjury.

Q Was there a discussion as to what would happen if the government discovered independent crimes on its own?

A I could be punished, of course.

Q There is one other matter I want to go into. During the time that you lived with Mr. Ortega did you discuss with him his manner of writing down telephone numbers?

A Yes.

Q And did he keep the telephone numbers?

A Ortega usually kept his telephone numbers code.

MR. BELLER: Could I have this marked Government's Exhibit 51 for identification.

(Government's Exhibit 51 was marked for identification.)

Q Mr. Perez, can you identify this exhibit? It's a blank piece of paper, is that correct?

A Right.

Q You are familiar with the code that Ortega used, is that correct?

A Yes.

Q Now, let's say I gave him my number, an office number, let's say, 264-6348.

A 264 --

Q 264-6348.

A Yes.

Q Would you indicate on that piece of paper how it would be reduced to the code, according to the code formula that Ortega used?

A Correct.

(Witness writes.)

A Usually when Ortega put the numbers in code he would make an addition.

MR. ALTER: Excuse me, your Honor, I object to anything that is usual.

THE COURT: Usual -- he is testifying about a practice.

A Always, always. He would take one number less than the telephone number and then he would make it as if it were a sum. The last digit doesn't signify anything. If one wants to call, 1 would signify 2; the 5 would signify 6; the 3 would signify 4. And

consecutively.

Q All right. Now, you testified that he would subtract one number, is that correct?

A Yes.

Q Would you indicate below the top number -- would you wrote how the seven numbers would look?

No, just underneath the top, just in here. No, no -- all right, go ahead.

(Witness writes.)

THE COURT: What you have just written there I understand is the number that Ortega, you say, would put down in his book if he met the one above it.

THE WITNESS: Correct.

Q Now, if you put a box around --

MR. BELLER: Withdrawn.

Q If Ortega were keeping this code number, would you put a box around that portion of the exhibit that he would keep either in a paper or his address book or wherever it was that he might keep it?

A He would keep it like this, on a small piece of paper, of course.

MR. BELLER: Your Honor, would it be possible to duplicate that on this blackboard? I see the

piece of chalk. And it is in the first view. It will take just a moment.

THE COURT: Certainly. Show it to counsel first.

MR. BELLER: Sorry. I offer Government's Exhibit 51.

(Pause.)

MR. WHITE: I have no objection.

THE COURT: All right. Received. And you can put it on the blackboard.

(Government's Exhibit 51 was received in evidence.)

MR. BELLER: Is that visible to everyone?

Q Now, Mr. Perez, this is the number that I gave you, is that correct, 264-6384?

A Yes.

Q And this is -- this number with one digit removed for each one, the 2 becomes 1, the 6 becomes 5 and 4 becomes 3 and so forth, is that right?

A Yes.

Q As I understand, Ortega would take the first three numbers and put them here, 153, is that correct?

A Yes.

Q Then the next number, 62, and then 73?

A Correct.

Q He would sum them up. Does this sum have any significance?

A No.

Q He would circle this portion, this would be the portion he would keep in his book or paper, or whatever?

A Yes.

Q When he would look at this coded number to find the actual phone number he would just add one number to each of these seven digits, is that correct?

A Correct.

Q 264-6384, correct?

A Yes.

Q Disregard the sum?

A Yes.

MR. BELLER: Your Honor, the government has no further questions.

THE COURT: Do you want to take a morning break at this time?

MR. PANZER: Yes, your Honor.

THE COURT: All right, we will take a

JOSEPHINE CORBISIERO, called as a witness by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mrs. Corbisiero, you are a housewife at this time, are you not?

A Yes.

Q We met before, haven't we?

A Yes.

Q Were you previously employed?

A Yes.

Q Where were you employed?

A First National Bank of Fort Lee, New Jersey.

Q This is a very large courtroom and I think the jurors might have trouble hearing you so keep your voice up.

Was that the First National Bank of Fort Lee?

A Yes.

Q Where is Fort Lee?

A New Jersey.

THE COURT: Across the Washington Bridge?

THE WITNESS: Yes.

Q When did you start working at the bank?

A Last year -- two years ago rather.

Q How long were you employed there?

A Seven years.

Q What was your job?

A Answering the phone, taking care of safe-deposit boxes, typing, secretarial.

Q Mrs. Corbisiero, I show you Government's Exhibit 1 in evidence. Can you identify that photograph?

A Yes.

Q What is it?

A Juan Plaza. He came in the bank and opened a safe-deposit box.

THE COURT: I didn't hear you.

THE WITNESS: He came in the bank to open a safe-deposit box.

Q By what name did you know him?

A Juan Plaza.

THE COURT: The jury got a memory than I have.

MR. BELLER: Government's Exhibit 1 is a photograph of Luis Ortega.

Q Now, I show you Government's Exhibit --

MR. BELLER: These have to be marked.

Will you mark these 53, 53-A, please, and 54.

(Government's Exhibits 53, 53-A and 54 were marked for identification.)

Q Mrs. Corbisiero, I show you Government's Exhibit 53 for identification.

Can you identify that exhibit?

A A safe-deposit box card for the customer opening an account, opening a box.

Q Which bank is that?

A First National Bank of Fort Lee.

Q Is that a record kept in the ordinary course of the business of the bank?

A Yes, it is.

Q Is it the ordinary course of the bank's business to keep records of that type?

A Yes.

Q I show you Government's Exhibit 53-A for identification.

Can you identify that exhibit?

A Safe-deposit box card for customers that come in every day, sign their name and time they came in.

Q What is the safe-deposit number in 53-A?

A 1433.

Q What about the opening, Government's Exhibit 53-A, the yellow card, what box is that for?

A 1433.

THE COURT: The same box?

THE WITNESS: Yes.

Q Now I show you Government's Exhibit 54 for identification.

Can you identify that exhibit?

A Yes.

Q What is it?

A Also a safe deposit box entry card, signatures for box number 1289.

MR. BELLER: Your Honor, the Government offers 53, 53-A and 54 in evidence.

MR. ALTER: Can we make our objections at the side bar?

THE COURT: Certainly.

(At the side bar.)

MR. ALTER: With regard to 54 for identification, it would appear to be totally irrelevant and in addition it is not supported by this one (indicating).

THE COURT: Is it supported by something else?

MR. BELLER: The name Juan Plaza is, in addition --

THE COURT: You don't have one for this?

MR. BELLER: No, we don't have it.

THE COURT: You can cross-examine that or in voir dire if you want.

MR. ALTER: I object on the basis of incompetence and irrelevance.

THE COURT: What is incompetent?

MR. ALTER: It bears no relation to any overt act charged.

THE COURT: Is this one of the days when you say he was there?

MR. BELLER: Your Honor, I don't want to give my summation at the side bar but this is another box in the same box in his name.

THE COURT: Is there an opening card?

MR. ALTER: No. The critical days are the 21st and 26th of July 1971 in terms of the half million dollars.

MR. BELLER: We believe the fact that he had an additional safe-deposit box in the same bank is relevant evidence. As to what is its relevance I would rather not say.

THE COURT: It seems to me you could establish it on cross-examination.

MR. ALTER: With regard to 53 and 53-A I understand they are sought to be introduced as business records but there is no testimony whatsoever that any of the people mentioned on here are any of the defendants other than the

similarity of names.

THE COURT: Of course she wouldn't know.

MR. ALTER: So it is not a business record. Nobody could testify to that. We would object.

THE COURT: Overruled..

Do you want a voir dire onit?

MR. ALTER: I will take it on cross.

(In open court.)

(Government's Exhibits 53, 53-A and 54 for identification were received in evidence.)

BY MR. BELLER:

Q Mrs. Corbisiero, I want to ask you to assist in explaining certain entries.

Now, looking at Government's Exhibit 53 in evidence in whose name was box number 1433 opened?

A Juan Plaza.

Q And did you personally open that box, that account?

A Yes, I did.

Q Do your initials appear on that document?

A Yes, they do.

Q Is there another name, another signature for this box?

A Yes, there is.

Q What is that name?

A Antonio Vidal.

Q Did Mr. Vidal sign this card himself?

A I couldn't tell you, I didn't take care of him.

Q Did you take care of Mr. Plaza when he opened the account?

A Yes.

Q Did you have a conversation with him at the time he opened the box?

A Yes, I did.

Q Will you tell the jury what that conversation was?

A He wanted someone else to go on the box and wanted to sign. I told him he had to bring him in with him to get the signature.

THE COURT: You don't recollect whether this person came in?

THE WITNESS: There are other people that worked with me so they may have taken care of him.

THE COURT: You didn't take the other signature?

THE WITNESS: No.

Q Now, I show you Government's Exhibit 53-A. Now, that is for box 1433, is that correct?

A Yes.

Q The left-hand column is the date column, is that correct?

A Yes.

Q What does that signify?

A The date the person came into the bank, we write the date and the time they came in.

Q For what purpose?

A For our records, so we know when they came in.

Q When a person comes in -- when you say what purpose, what happens when you indicate a date here?

A That means he came in to go into the box.

THE COURT: Clarify the question.

You don't know what the customer's purpose is when he looks in his box, do you?

THE WITNESS: No, just know he came in to take it out.

MR. ALTER: Will you please ask the witness to speak louder?

Q Now, the second column is the signature of the person having access. Then there is a signature there?

A Yes.

Q Who puts in that signature?

A The person that takes care of the customer.

The person, you mean the second column?

Q In the middle.

A The person that comes into the bank to take the box out.

Q Now, there is a column for witness?

A The witness is whoever takes care of the customer.

Q There is the time, I assume that is the time?

A The time the person comes in, we put right down.

Q Now, there is a name on top of Government's Exhibit 53 or two names?

A Yes.

Q What names are those?

A Plaza and Vidal.

Q What names are ordinarily, in the course of the bank's business, put on the top of this card?

A Two last names of the person -- the customer.

Q Now, looking at the date column on Government's Exhibit 53, are there certain entries where an individual signed for the box where no date appears?

A Yes.

Q Could you explain how that can be to the jury?

A That is our error. Whoever took care of the customer forget to put the date and time. We really should do it and they are either new girls or just didn't

put it in.

THE COURT: Do banks make mistakes too?

THE WITNESS: Everybody makes mistakes.

MR. BELLER: I would just like to read a portion of these to the jury.

(Government's Exhibit 54 read.)

(Government's Exhibit 53 read.)

Q The initials JC or JO, those are your initials?

A Yes.

Q Is it JO or JC?

A JC.

THE COURT: Is this witness on only one of those?

MR. BELLER: On 7/12 and 7/26 and not on 9/23.

I have no further questions, your Honor.

CROSS EXAMINATION

BY MR. ALTER:

Q Mrs. Corbisiero, from reading this card I see that you only accompanied Mr. Plaza on those two particular dates, the 21st and 26th of July, is that correct?

A Yes.

Q The only time your initials appears. Do you have any specific recollection of any activity at the box or did Mr. Plaza utilize some facility of the bank to conduct his business privately?

A We have a box there that he goes in to do work in.

Q A cubicle?

A Yes. I only get the box and bring it to the room and that is it.

Q I understand. However, you have within the course of your experience had people open the box in front of you and either put something in quickly or take something out?

A Yes.

Q Did you ever have an opportunity on either of these occasions to glimpse the contents of the box?

A No.

Q He did not exhibit them to you in any way?

A No.

Q When you indicate that there are certain blanks on here, would it be fair to say that when a person signs in they use the next available line?

A Yes.

Q There is no way in the world that they climb all over the page and utilize any empty space?

A No.

Q Then if there is an entry without a date with dates on either side it would be between those dates?

A Right.

Q Now, if Mr. Plaza in this case had access to the box and had a second box and went to them on the same day, how many cards would he have to sign?

A Both.

Q That is the bank policy?

A Yes.

Q I would appreciate it if you would read Exhibit 54 and tell me if there is any --

MR. BELLER: It is in evidence.

THE COURT: He can ask the witness to read an entry.

Q Is there any entry into the box on the Plaza-Curi, either on July 21, 1971 or July 26, 1971?

A No.

Q You never met Mr. Vidal, have you?

A No.

Q You don't know who signed the card bearing his name, do you?

A No.

Q Any particular reason why the Vidal Plaza card is supposed with whatever this is called, the opening account contract and the Plaza-Curi card is not supported with the same document, there is no yellow with this white?

A It might br misfiled or something.

MR. ALTER: No other questions.

MR. PANZER: I have just two.

Could you give me Government's Exhibit 37.

THE COURT: Do you have a personal recollection of these events, these two dates that you were asked about?

THE WITNESS: No.

MR. ALTER: I have a few more questions.

BY MR. ALTER:

Q When was the last time prior to today that you saw a picture of Juan Plaza?

A The last time I saw a picture of him? I don't remember. A while back.

Q Would you remember him without seeing the picture?

A I remember him very clearly.

MR. ALTER: No other questions.

BY MR. PANZER:

Q Mrs. Corbisiero, I show you what has been marked as Government's Exhibit 37 in evidence and a picture of a gentleman there, George Warren Perez.

Have you ever seen that man in the bank?

A No.

Q Would you stand, Mr. Uziel, please?

Have you seen this gentleman in the bank?

A No.

MR. PANZER: No further questions.

THE COURT: I would like to ask a question on bank policy.

If somebody asks for one box and then asks for another one, would you necessarily make him get out the other card?

THE WITNESS: Yes, you have to sign two separate cards.

THE CCURT: You would?

THE WITNESS: You have to.

MR. BELLER: I have no further questions, your Honor.

THE COURT: Thank you.

(Witness excused.)

MR. ALTER: In view of the testimony I would renew the objection regarding the admissibility of these items.

THE COURT: Denied.

MR. BELLER: The Government calls Candido Lamiera.

- -

C A N D I D O L A M I E R A , called as a witness by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Lamieria, you have to keep your voice up as much as possible so all the jurors can hear you.

How are you employed?

A I work in the travel agency Via Worldwide Tours for Laura Warren.

Q How long have you worked at Via Vorldwide Tours?

A Around four years.

Q Who is Laura Warren?

A Laura Warren is Mr. George Warren's wife.

Q Were you working there in approximately October 1971?

A Yes.

Q Around that time did you have a conversation with Laura Warren?

A Yes.

Q As a result of that conversation what did you do?

A Well, Mrs. Warren tell me --

THE COURT: No, you are not allowed to say what she said, just tell us what you did.

A Okay. The conversation is to go to Miami --

Q Just without telling us what you were told, just tell the jury after you had this conversation with Mrs. Warren what did you do?

A I take a ticket plane and go to Miami to my --

MR. BELLER: Your Honor, may the witness use the interpreter? I am not able to understand the witness.

THE COURT: All right.

MR. ALTER: No objection.

Q (Through the interpreter) You can speak in Spanish and tell the jury what you did after the conversation with Mrs. Warren. Speak up as if the jury could understand Spanish.

A After the conversation with Mrs. Warren I took a plane ticket to Miami. I went to spend the night at my parents' house in Miami.

I spent the night and the first hours of the morning I called the telephone number which had been given to me by Mrs. Warren. I spoke to a young lady or an older lady. She passed me to a man's voice.

I explained to him --

MR. ALTER: Objection to hearsay, anything he said.

THE COURT: I don't know. Does the Government

say this is admissible?

MR. BELLER: As to what he said on the phone.

THE COURT: As to admissibility.

Come to the side bar.

(At the side bar.)

THE COURT: Who does the government claim this conversation was with?

MR. BELLER: I have a good idea, but we are not going to put in proof.

THE COURT: What is his statement?

MR. BELLER: "My name is Candy. I am here in Miami." He gave his address. That evening the man came over and said, "Are you Candy?" He said, "Yes," gave him a package.

He said, "Are you going back to New York?"

He said, "Yes."

"Be careful."

MR. ALTER: I submit both ends of the conversation are hearsay.

THE COURT: There is no conversation. It is not for the truth of what was said.

MR. BELLER: He came to the package, gave it to Mrs. Perez, and that is his testimony.

THE COURT: That is not hearsay. It is not offered for the truth of what was said, it is just offered for the fact there was a conversation.

MR. ALTER: I object to it on the basis of relevancy. It has not been testified as to

size or anything else.

THE COURT: How is it connected?

MR. BELLER: Perez said that he spoke to Ortega in jail and Ortega said he would take care of his bail and put it up.

THE COURT: Is this the date.

MR. BELLER: I don't believe he knows the exact date. I asked him October, '71. He said the cash bail.

THE COURT: I will allow it.

MR. PANZER: Did you give us 3500 on this?

MR. BELLER: There is none.

THE COURT: I will allow it.

(In open court.)

Q You can continue with the answer but I would like the first part read back, with the court's permission.

THE INTERPRETER: I didn't translate the whole answer, but I can.

THE COURT: Start with the whole answer.

A I explained to him that I had come on behalf of Mrs. Warren to pick up something.

Q And what happened? Did you identify yourself?

A Yes, I said, "My name is Candy and I come

on behalf of Mrs. Warren."

Q Did you leave an address?

A The man -- the man's voice said, "Give me your address and don't go out. Stay there and I will visit you."

And I said to him, "Early, because I am going on the night flight."

He came between 8 and 8:30 at night. He knocked at the door. I went out because I was waiting for him in order so that my mother would not see anything.

And he said to me, "Are you Candy?" and I said, "Yes, I am Candy."

He turned over to me a yellow envelope. He said to me, "Take this to Laura, to Mrs. Warren. Be very careful because it's money."

Q What did you do next?

A He took -- a taxi was waiting for him and he left. And he left.

Q Can you describe the taxi, please?

MR. BELLER: He said "I left," is that correct?

THE COURT: No, "He took the taxi and he left."

MR. BELLER: I'm sorry.

Q Can you describe the package you were given?

A A regular yellow envelope.

Q What did you do next?

THE INTERPRETER: Excuse me. I didn't hear, your Honor. Could the witness repeat?

THE COURT: What was the last thing you said? You said something after yellow envelope.

A A yellow envelope, closed, sealed.

Q What did you do next?

A The man left. I took my package, I went to the airport and I returned.

Q To New York?

A To New York.

Q What did you do in New York?

A Laura was waiting for me. I delivered the envelope to her.

MR. BELLER: No further questions.

MR. ALTER: No questions, your Honor.

MR. PANZER: I have a few.

CROSS EXAMINATION

BY MR. PANZER:

Q Sir, how do you pronounce your name, please?

with the voir dire.

THE COURT: Incidentally, while we are talking -- this is off the record -- or on the record, rather, in the absence of the jury -- this bank record, bank card, the access record which has Vidal's name on it, doesn't the Government have a way of establishing one way or another whether that is Mr. Vidal's signature?

MR. BELLER: I don't believe we have any other exemplar.

THE COURT: In all the time since you arrested Vidal he never signed anything? The time he had been through Customs and Immigration he never signed anything?

MR. BELLER: Certainly not in this instance, this event we are about to go into. I haven't seen any in the file, but I will check.

THE COURT: The defendant certainly has ways of disproving it without his testimony, if they want to, if they think it is not his signature.

MR. ALTER: Your Honor, we submit it is the Government's burden to prove it is in order to make it relevant.

THE COURT: It is relevant as to the similarity of names and it is relevant quite apart from what arguments counsel will make about who is wrong, the lady or the

associations, and I would think, although I am certainly not ruling on this, that the Government would be entitled to comment that there is no evidence it is not his signature.

MR. ALTER: Without your ruling we would be able to comment it isn't --

THE COURT: The Government would certainly be entitled to prove --

MR. ALTER: Last time, frankly, I have a recollection we did comment in closing that there was available proof to the Government and it was not adduced as to the similarity of signature or the identity of the signature.

THE COURT: It would be much more persuasive the other way.

MR. ALTER: It wasn't. Maybe it was, I don't know.

THE COURT: He certainly can give a sample of his signature right here and now without taking the stsnd.

Anyway, go ahead. Why don't you take the stand?

MR. BELLER: All right.

THE COURT: And describe these tings.

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THE COURT: Do you want to get your witness while it is being marked?

MR. BELLER: Actually, I would like to offer the docuemnts.

THE COURT: Why waste time?

MR. BELLER: These don't relate to the witness.

THE COURT: All right, but don't waste time.

MR. BELLER: The government calls Charles Dodge.

(Government's Exhibits 60 through 64 were marked for identification.)

C H A R L E S D O D G E, called as a witness by the government, being first duly sworn, testified as follows:

MR. BELLER: Your Honor, at this time the government offers Exhibits 60, 61, 62, 63 and 64 in evidence.

(Pause.)

THE COURT: Mr. Beller, in the future as far as possible show the things to counsel in advance. There is no use everybody sitting here and waiting while they are looking at it.

MR. ALTER: May we have a side bar, your Honor?

THE COURT: Yes.

(At the side bar.)

MR. ALTER: I would ask for an offer of proof by the government on the materiality and relevancy of the proposed exhibits.

MR. BELLER: I just told you I am offering them to show that Tony Stanzione worked at Rusam, R-u-s-a-m, auto sellers. This is a wage and tax statement.

THE COURT: What's the relevancy?

MR. BELLER: The relevance is that this witness will testify as to the arrest of Mr. Vidal, from whom certain papers were seized in Florida, and on that, one of the papers, it said "Rusam Auto Sellers" and a phone number.

THE COURT: Are they prepared to stipulate that Tony worked at that place?

MR. ALTER: No, sir, nor am I prepared to stipulate that this was prepared by the taxpayer, nor is it accurate, nor is it true, nor is it a statement against interest, nor is it relevant, nor is it not hearsay.

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MR. PANZER: Nor have they established it was made in furtherance of the conspiracy.

MR. ALTER: This is the most circuitous route I can imagine of trying to establish a tenuous tie at best. This is inference on inference, your Honor.

MR. BELLER: You want me to call somebody from Rusam and say Tony Stanzione was the treasurer of Rusam? There is a way of getting around that.

THE COURT: It isn't made in the course of the conspiracy; it is made in the course of business.

MR. BELLER: We are not offering the statement by Stanzione that he worked at Rusam as a statement in furtherance of the conspiracy. We are offering the tax returns and his own statements. These are business records.

THE COURT: I take it you got this from the government.

MR. BELLER: Pardon me.

THE COURT: This comes from the Internal Revenue Service.

MR. BELLER: That's right, it comes out of the Stanzione file.

MR. ALTER: Mr. Stanzione's finances are

nobody's business. The entire document is coming in.

THE COURT: I understand that. This is a wage and tax statement filed in the regular course of business with the government. I would think it would be admissible.

MR. ALTER: That being the case, I would ask that the court accept a stipulation that Mr. Stanzione worked at Rusam at the time covered by this period and not admit these exhibits.

THE COURT: That was my original suggestion.

MR. ALTER: You have an exception to my ruling, and under compulsion of that ruling stipulate that Tony Stanzione worked at Rusam.

MR. ALTER: During the period covered by the exhibits.

THE COURT: That's right.

MR. ALTER: Not before or after it.

MR. BELLER: 1967 through -- what year, your Honor? Sorry.

Through 19 -- no, this is the '71 tax return.

MR. ALTER: I will not go beyond the period of time encompassed by the return, but the '71

period covers the period of '70. Is that the way it workes.

THE COURT: Sure. You can argue that the condition is shown to have existed for five years and continued, I imagine.

MR. ALTER: He is not there. He is logging --

MR. PANZER: May I ask a question? I would like an instruction that this testimony is not binding against Uziel in any shape, manner or form. I don't see what this has to do with Uziel, the fact that he worked there. You want to show other evidence.

MR. BELLER: I want to show through this witness' testimony, of the records seized from Vidal, that Vidal knew Tony Stanzione, he had his phone number. That proves association, it proves Vidal's membership in the conspiracy, and in that sense if we establish the membership obviously it is relevant.

MR. PANZER: All right, I will withdraw it at this point.

THE COURT: It is stipulated these records will show that Tony Stanzione --

MR. BELLER: Worked at Rusam Auto Sellers.

THE COURT: During the calendar years --

MR. BELLER: That these records reflect

he worked there fron 1966 through '70.

MR. ALTER: Of course I would object to '66 as being preconspiratorial, and I would try to limit it to '68, '69 and '70.

THE COURT: No.

MR. ALTER: Judge, I know what this agent is going to testify to and I know the argument that is going to follow. I advise you I move to suppress. There will not be the necessity for a hearing, but I will argue. I can argue now.

THE COURT: Tell me now.

MR. ALTER: The government intends to prove --

MR. BELLER: May I interrupt? It covers to January, '71.

This was filled out in '72 for '71.

MR. ALTER: No problem with that.

The government intends to prove in Miami in '73, about July or August, that Vidal was arrested in our offices -- coincidentally, they were our offices, but he was there atthe time, he was brought in there for a conference with Mr. White and he was arrested at gunpoint by agents of DEA. Pursuant to that arrest he was taken in custody and relieved of the con-

tents of his wallet and pockets. Among perhaps 50 documents contained in his wallet -- and, incidentally, I will interject the originals were returned to him. I will also argue we have not had an opportunity to examine the original, which is true and remains true, but photocopies were made under the direction of this agent, or his overall supervision; he didn't make them personally.

One of those pieces of paper had on it the name Rusam or Rusam Motors, I forget which, and a phone number.

Now, our argument will be, and the testimony will not contradict it, that, No. 1, this was so remote in time, July or August of '73 in relation to the conspiracy which terminated years before, in relation to a conspiracy which terminated with the return of the indictment several weeks before; No. 2, in relation to the lack of authenticity of an original that we could examine in relation to the absence of any testimony as to who wrote the piece of paper; and, finally, and most important -- and I have some authority; I haven't had a chance to research it this morning but I have the cites -- that this constitutes testimonial evidence taken from the person of the defendant and

as testimonial evidence cannot be used against him to establish a crime.

THE COURT: Well, I assume you made these arguments before Judge Griesa?

MR. ALTER: No, sir, we argued primarily the warrantless search and I am obliged to concede that agents of DEA have statutory authority to make a warrantless search, but what I am saying to you today is primarily predicated upon the remoteness which Judge Griesa originally accepted and then rejected and predicated primarily upon the aspect of testimonial evidence which has never been argued before any court.

THE COURT: I don't see that.

MR. ALTER: It is a Fifth Amendment violation, your Honor, and I have case authority.

THE COURT: If you have case authority now is the time to come up with it, not later.

MR. ALTER: I apologize for leaning on my friend Mr. Rothblatt. These facts are not the facts of the case, but the concept is the same as the concept italicized here.

THE COURT: Who wrote this?

MR. ALTER: Henry Rothblatt's office. I conferred with him on this subject.

THE COURT: Off the record.

(Discussion off the record.)

THE COURT: I will overrule it.

MR. PANZER: Judge, I envision one problem which I think we ought to try to avoid. I don't think it is proper for the agents to say they arrested Mr. Vidal in the law offices of Mr. White and I ask they be instructed --

MR. BELLER: I am pretty sure I told them.

MR. PANZER: I don't think we should go into that. I think it is sufficient that they arrested him and what happened.

MR. ALTER: For the record, may I provide the court at this time a citation of these authorities in support of our position and you might reconsider your ruling at that time.

THE COURT: Yes.

MR. BELLER: Ladies and gentlemen, it is stipulated between counsel for Mr. Vidal and the government that Anthony Stanzione worked for Rusam Auto Sellers -- I'm sorry -- that the records reflect that Anthony Stanzione worked for Rusam Auto Sellers, Inc., 1681 Jerome Avenue, Bronx, New York, from 1967 at least through the end of 1971.

MR. ALTER: So stipulated.

THE COURT: The exhibits are withdrawn. They weren't offered, so they don't have to be withdrawn.

DIRECT EXAMINATION

BY MR. BELLER:

Q Agent Dodge, will you tell the jury how you are employed?

A I am a special agent with the Drug Enforcement Administration stationed in West Palm Beach, Florida.

Q Repeat that much louder because it is hard to hear back here.

A I am a special agent with the Drug Enforcement Administration in West Palm Beach, Florida.

Q You are going to have to speak louder.

A Shall I repeat it again?

Q No.

How long have you been in the Drug Enforcement Administration?

A Four and a half years.

Q Directing your attention to August 3, 1973, were you engaged in the performance of your duties that day?

A Yes, sir, I was.

Q Do you recall what day of the week that was?

A I am pretty sure that was a Friday.

Q Tell the jury what you did on that day?

A On that day I received some information during the morning from --

Q Excuse me, just tell the jury what you did on that day.

A On that day in Miami, Florida, I arrested Antonio Borrego Vidal.

Q Do you see him in court today?

A Yes, I do.

Q Would you point him out, please?

A He is sitting behind Mr. White, next to the lady.

MR. BELLER: Would the record reflect that the witness has identified correctly the defendant Vidal.

Q After you arrested Vidal what did you do?

A Myself and other agents from the Drug Enforcement took him back to our office in Miami and processed Mr. Vidal.

Q You said processed. What do you mean by

that?

A I mean we photographed him, fingerprinted him, interviewed him and --

Q Did you advise him of his rights?

A Yes, sir, he was advised of his rights in Spanish by Agent Perez.

Q As part of the processing did you have occasion to search Mr. Vidal?

A Yes, sir. He was searched as he was brought into the detention area.

Q And what did that search disclose?

A He had a wallet on his person. It was removed from him.

Q Would you keep your voice up, please.

A Yes, sir.

He had a wallet on him which contained various pieces of paper and business-type cards.

Q And what was done with the wallet?

A These were taken -- taken from him. The -- and I gave the wallet and the papers to another agent that was assisting me in the processing and asked him to Xerox everything that was contained in that wallet.

Q Did he do that?

A Yes, sir, he did.

Q What did he do with the Xeroxes?

A He brought the wallet, the papers and the Xerox copies back to me a few minutes later.

Q And what happened to the original documents?

A The original documents were put back in Borrego's wallet and given back to him.

Q I show you --

MR. BELLER: May I have this marked as Government's Exhibit 55, please.

MR. ALTER: Mr. Beller, what number is that?

MR. BELLER: This is to be marked as Government's Exhibit 55.

(Government's Exhibit 55 was marked for identification.)

Q Agent Dodge, I show you Government's Exhibit 55. Can you identify that exhibit?

A Yes, sir, I can.

Q What is it?

A These are Xerox copies of the contents of Borrego's wallet.

Q How do you recognize that exhibit?

A On the bottom I have written down his name and our case number.

Q Is that your handwriting on the bottom?

A Yes, sir, it is.

Q When did you make those notations?

A After the Xerox copies were brought back to me from the Xerox room.

Q And was that August 3, 1973?

A Yes, sir.

MR. BELLER: Your Honor, at this time the government offers Government's Exhibit 55 in evidence.

THE COURT: Do you object for the reasons stated at the side bar?

MR. ALTER: I will have some more, but certainly those.

(Pause.)

VOIR DIRE EXAMINATION

BY MR. ALTER:

Q Agent Dodge, the arrest that was made in Miami, was it made pursuant to court authority?

MR. BELLER: Your Honor --

MR. ALTER: I will save that. I will voir dire on this.

MR. BELLER: Voir dire on this exhibit.

Q Were you present when these photocopies were made?

A No, sir, I was not.

Q You just directed one of your assistants to go to the machine and make copies?

A Yes, sir.

Q You do not know of your own knowledge what had been in that machine prior to his utilizing it, right?

A No, sir, I do not.

Q Were any of the originals of these documents retained?

A No, sir.

Q Every one of them was returned to Mr. Vidal?

A As far as I am aware, yes, sir.

You know at the time that you examined those materials and returned them what you had arrested him for, did you not?

MR. BELLER: Your Honor, I believe this is for cross examination.

THE COURT: I don't think it is voir dire.

MR. ALTER: I will save it.

Q Did you examine the originals of these documents before returning them.

A I believe he went over them, yes, sir.

THE COURT: For what purpose did you examine them?

THE WITNESS: Mainly for intelligence information.

Q You were looking for evidence of a crime?

MR. BELLER: Your Honor, I don't believe this is proper voir dire.

THE COURT: I don't think so either, but I asked a question. Mine was probably improper too.

MR. ALTER: May I follow your lead?

THE COURT: Let's leave it at that.

MR. ALTER: Yes, sir.

Q Where did these photocopies come from? Is that from your machine or are these copies of copies?

A These came from our machine.

Q This particular pack I have in my hand?

A Yes, sir.

MR. ALTER: If I can approach the side bar I will make the rest of my objections.

THE COURT: All right.

(At the side bar.)

MR. ALTER: I will, of course, develop on cross examination the fact that of these various cards,

papers, notations, parimutuel tickets, there were at least three documents bearing the name of automobile either dealers or operators or enterprises. So the fact that Rusam happens to be Rusam Auto Sellers is not in the least significant, nor does it convey in and of itself any crime.

The primary argument, though, is the fact you heard his testimony this was in August of '73 and there is no way that counsel can be afforded the opportunity of conducting any scientific investigation or any other investigation into the authenticity or genuineness of a document, it having been returned. Your client could have turned it back to you if he wanted to.

MR. ALTER: At the time he obviously thought no more about it than we did. It was a piece of paper in a wallet.

What I am saying is in order for a proper analysis to be conducted only the original document would serve that purpose.

That is my first objection.

The primary objection, outside the testimony of others I cited, was this was an arrest subsequent to the end of any conspiracy charge in this indictment. View, if you will, the arrest in --

THE COURT: I understand, but I think evidence of association, even after the conspiracy, is admissible to prove association.

MR. ALTER: Up to the time of the indictment.

THE COURT: No, I think association after the indictment is still admissible.

MR. ALTER: If I may --

MR. BELLER: Even on that, your Honor, our next piece of evidence -- you can waive the production of the New York Telephone person -- it is two phone listings from phone books. Rusam was changed either the end of '71 or beginning of '72. The number here was the old number.

MR. ALTER: But earlier in this case you were concerned about the introduction of pre-November, 1968 association.

THE COURT: Yes. And Judge Hand told me I was stupid.

MR.ALTER: In deference to the learned Judge Hand, you went back as far as six months. You are asked here to go to August, 1973, when there is no evidence of any conspiratorial activity in the world. The primary conspirators were already doing their time.

THE COURT: I think this is all argument for you. I don't think this is going to win the case or lose it, but I think it is admissible.

(In open court.)

MR. BELLER: Your Honor, the government offers Exhibit 55 in evidence.

(Government's Exhibit 55 was received in evidence.)

MR. BELLER: Ladies and gentlemen of the jury, this is a Xerox of various cards and pieces of paper and so on. On the front there is a driver's license, Florida driver's license, including Antonio Borrego, with an address in Miami, various cards and phone numbers, pieces of paper, all of which can be examined.

On the second page Antonio Borrego Vidal, account number, Bank of Miami, another phone number, Social Security card in the name of Borrego, card of a doctor, more phone numbers.

And there is a third page of numbers and cards, and a fourth page and so on.

Finally, on the last page there are some car sales cards, Quinta Service Car Shop in Florida.

On the last page is written Rusam, with the address in the Bronx and a telephone number.

Your Honor, I would like to pass this to the jury.

Oh, there is probably no need for that. As you can see on the last page, one of the slips of paper, Rusam, Jerome Avenue, the Bronx, and the phone number.

Q Now, Agent Dodge, after you completed the processing of the defendant Vidal what did you do?

A He was then lodged in jail over the weekend.

Q Until Monday?

A Until Monday when he was taken before the United States Magistrate in Miami.

Q Did you see him there?

A Yes, sir.

Q At that time was he advised of the charge against him?

A Yes, by the Magistrate.

Q He had been arrested on a warrant, is that correct?

A Correct.

Q Where was that warrant issued?

A Out of the Southern District of New York.

Q Was bail set before the Magistrate?

A Bail was set --

Q Not the amount, was bail set?

A Yes, sir.

Q Did Mr. Vidal post the bail?

A Yes, sir, to my knowledge.

Q What happened at that point?

A He left the Courthouse.

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(Government's Exhibits 65 and 66 were marked for identification.)

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J E F F R E Y O N D A , called as a witness by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Sir, will you state your name again, please?

A Jeffrey Onda.

Q Mr. Onda, how are you employed?

A I am front desk clerk and night auditor at the Holiday Inn in Little Ferry, New Jersey.

MR. BELLER: May I have this marked as Government's Exhibit 52, please, for identification.

(Government's Exhibit 52 was marked for identification.)

Q Where is the Holiday Inn at Little Ferry?

A About seven minutes from the George Washington Bridge, west.

Q Which side, New Jersey or New York?

A New Jersey.

Q I show you what has been marked as Government's Exhibit 52 for identification.

Is that a record kept in the ordinary course of business of the Holiday Inn?

A Yes.

Q Is it the ordinary course of business of the Holiday Inn at Little Ferry to keep such records?

A Yes, it is.

MR. BELLER: The Government offers Exhibit 52 in evidence.

VOIR DIRE EXAMINATION

BY MR. ALTER:

Q Whose handwriting appears on this document?

A I didn't look at it that closely.

(Handing to witness.)

A I couldn't tell you offhand.

Q Would it be the guest or a clerk?

A That would be a clerk's.

MR. ALTER: No other questions.

We would object to its introduction based on relevancy and materiality.

THE COURT: Any other objection?

Let me see it.

(Handed to Court.)

THE COURT: I will allow it.

(Government's Exhibit 52 for identification

was received in evidence.)

Q Mr. Onda, this record, you don't -- have you ever seen this bill before?

A That particular bill?

Q Yes.

A No. Not that I can recall.

Q Did you ever see the person who was in 207?

A Not that I can recall.

Q Just that it is a business record of the Holiday Inn?

A Right.

(Exhibit read.)

Q That 22, is that cents or dollars?

A Dollars.

Q There are certain charges on that room, is that right?

A That is correct.

Q And the tax and the total?

A That is right.

Q And the left-hand column is the date?

A Yes.

Q What does the date signify?

A The date that the gentleman who was staying there, at the end.

Q The date he was there?

A The date he was there.

Q The July 26 entry, does that indicate a check out date?

A Yes, it does.

MR. BELLER: The July 26 date over here is the check out date and this is a carbon copy.

I have no further questions.

CROSS EXAMINATION

BY MR. ALTER:

Q Mr. Onda, you of course don't know who occupied this room, do you?

A No, I don't.

Q You don't know who provided the information regarding the name appearing on there to the desk clerk?

A No, I don't.

Q The card reflects two occupants. Either one of them could have furnished the name to the clerk, correct?

A That is correct.

MR. ALTER: No other questions.

(Witness excused.)

MR. BELLER: Your Honor, at this time the Government offers Exhibits 65 and 66 for identification in evidence.

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The Government calls Mr. Finklea.

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L O U I S G O R D O N F I N K L E A , called as a witness by the Government, being first duly sworn, testified as follows:

THE COURT: Proceed with the preliminaries.

MR. BELLER: Your Honor, this begins a new section and I just want to read those.

THE COURT: Not now, go on. They said they haven't seen them.

MR. BELLER: They have been available before.

MR. ALTER: I would have objection. I don't think we have to do it now, we can wait.

THE COURT: You have an objection?

MR. ALTER: Yes.

THE COURT: All right, proceed.

DIRECT EXAMINATION

BY MR. BELLER:

Q MR. Finklea, how are you employed?

A I am an officer of the United States Immigration Service in Miami.

Q How long have you been employed by the Immigration Service?

A Since 1956; approximately 19 years.

Q How long have you been an examiner?

MR. ALTER: He is an officer.

Q What are your duties with the Immigration Service?

A My title is Immigration examiner, sir.

Q How long have you been an examiner?

A Approximately two years.

THE COURT: What does an examiner do?

THE WITNESS: Adjudicates applications submitted by the person appearing applying for benefits under the Immigration law.

Q Prior to becoming an examiner what were you?

A I was an Immigration inspector stationed at Miami International Airport.

Q Please keep your voice up, it is a little hard to hear back here.

What are the duties of an inspector?

A Inspection of persons arriving from foreign ports, examine their qualifications for admission to the United States.

Q Do you understand the difference between the term primary and secondary inspector?

A Yes, sir.

Q Will you explain to the jury what the difference

is?

A Primary inspector is the officer who examines a passenger or a person arriving in the United States from a foreign place to determine whether his documentation is correct for admission to the United States.

If the primary inspector has any doubt as to this person's qualifications for entering the United States, he sends the person to a secondary inspector who has more time in which to go deeper into the problem that the person might have.

Q Were you on duty on September 3, 1973?

A Yes, sir, I was.

Q Which duty were you performing?

A Primary inspection at that time.

Q Where were you working on that date?

A Miami International Airport.

Q Did you have occason to interview an individual by the name of Joaquin Antonio Diaz Figueroa?

A Yes, I did.

Q What happened?

A Mr. Diaz presented himself for inspection in my inspection booth claiming that he was a citizen of the United States by reason of birth in Puerto Rico.

He presented a birth certificate in the name

Joachin Antonio Diaz Figueroa.

Q What did you do -- what is the significance for Immigration purposes of a Puerto Rican birth certificate?

A Any birth certificate presented at the time of inspection that proof of citizenship does not necessarily mean that the person carrying the birth certificate is the person mentioned in the birth certificate.

Miami is in a situation where we have lots of persons arriving from Latin America. Those persons have native languages that are Spanish. The native language in Puerto Rico is also Spanish.

Q Let me if I can go at it a different way.

Somebody comes and presents a Colombian birth certificate to you at the airport, let us say a Colombian birth certificate and no other identification. Would that entitle him to admission to the United States?

A No, sir, it definitely would not.

Q If someone comes to you with a Puerto Rican birth certificate --

THE COURT: Assuming it is valid?

MR. BELLER: Sure.

Q Someone comes with a valid Puerto Rican birth certificate would he be entitled to admission into the United States?

A Persons born in Puerto Rico are citizens of the United States.

Q Would he be entitled to admission to the United States?

A Definitely.

Q Now after you were presented with the birth certificate what happened?

A I wasn't absolutely convinced that he was the person mentioned in the birth certificate. I asked him a couple of questions concerning the geography of Puerto Rico.

Q There is a lot of noise outside and you really have to try to keep your voice up so everybody in the courtroom can hear what you are saying.

A Shall I repeat the answer?

Q Please.

A I wasn't absolutely convinced that the person mentioned in the birth certificate was the person carrying the birth certificate.

Q Why was that?

A I asked him a couple of questions concerning the geography of Puerto Rico and he was unable to answer them.

THE COURT: Do you speak Spanish?

THE WITNESS: Not fluently but enough to do my job, yes, sir.

Q What did you do at that point?

A I referred him to the secondary inspector. I directed him to the waiting room where persons waiting for secondary inspection are seated.

After the passengers on the flight were completed, I went back to the secondary area to discuss the dase with the secondary officer and I didn't see Mr. Diaz sitting in the waiting room so I went looking around for him and found him in the Customs baggage claim area and brought him back to the secondary area and had him have a seat and I spoke to the secondary officer and told him that he was waiting there.

Q Who was the secondary officer on this date?

A Mr. Thomas Pritchard.

Q Do you recall what flight the man giving the name Figueroa came in on at Miami International Airport?

A On a Braniff flight from Panama.

Q Do you recall approximately when this interview took place, the morning or afternoon or evening?

A The interview took place in the Morning, about seven or seven-thirty.

Q Do you recall what day of the week September 3rd

was?

A Monday, Labor Day.

Q A holiday?

A Yes.

Q Will you look around the courtroom and tell me if you see the man who presented himself as Joaquin Antonio Diaz Figueroa?

A Yes, I see him.

Q Will you point him out, please?

A The man sitting behind the attorney White.

(Defendant Vidal speaks in Spanish.)

MR. BELLER: May the record reflect that the witness has identified the defendant Vidal.

THE COURT: Do you want that translated?

MR. WHITE: Yes, your Honor.

MR. BELLER: I think it is out of order.

THE COURT: It may be out of order but he said something and if he said it in English we would know it.

THE INTERPRETER: He saw me when I came in, I had the handcuffs on.

THE COURT: You wanted that translated?

MR. BELLER: I have no further questions.

- -

jury seeing it.

MR. ALTER: I might object to the back side more than the front.

I don't want the historical recitation.

THE COURT: That will be blacked out.

MR. ALTER: I have no objection to the jury seeing the mug shot.

MR. BELLER: I want to go into the whole spread.

THE COURT: But the back of the thing will be blacked out with opaque paper.

MR. ALTER: While we are here, the Government has moved to introduce 65 and 66. I would object on the basis of relevancy in that the fact that a telephone number may have changed from one publication of the phone book to another does not reveal the source of the information which may have led to the entry on a piece of paper in a man's wallet.

THE COURT: I think the Government theory simply is to show that the information on the card relates to a phone number which was in existence up to a certain period of time.

MR. ALTER: The Government is not prepared to offer any proof or adduce testimony that the 1971 Bronx phone book was removed from circulation so as to preclude its availability for the taking of this number at any time.

THOMAS W. PRITCHARD, JR., called as a witness by the government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Pritchard, we are competing with the disgruntled citizens out here so I will ask you to keep your voice up so the jury can hear you.

How are you employed, sir?

A With the United States Immigration and Naturalization Service, Department of Justice. I am a supervisory immigration inspector.

Q How long have you been with the Immigration Service?

A Twenty-one years.

Q Where are you stationed now?

A San Juan, Puerto Rico.

Q In 1973 where were you stationed?

A Miami, Florida.

Q Would you tell the jury what your duties were in September of 1973?

A At that time I was assigned to Miami International Airport. My occupation was immigration inspector and the principal duty was the inspection of

passengers arriving from foreign places.

Q On September 3, 1973 were you on duty?

A Yes, sir.

Q And were you also an inspector at that time?

A That was my job occupation, yes, sir.

Q Were you formerly a primary or a secondary inspector?

A On that particular day I was assigned to secondary inspection.

Q Can you tell the jury what your duties were as secondary inspection?

A It consists of in-depth interviews of applicants who had failed to satisfy, for whatever reason, the first officer, the primary officer, who is conducting their application to enter the United States. When a question arises they refer to the secondary, where more time is available for the interview.

Q Do you recall who was the primary inspector on that date?

A There were a number of primary inspectors. Mr.Finklea was among those officers.

Q Did you have occasion to process as the secondary the individual giving his name as Joachin Antonio Diaz Figueroa?

A Yes, sir.

Q And what happened?

A The subject had been referred by Mr. Finklea to secondary on the basis that there was a question as to the applicant's citizenship. The applicant has presented a Puerto Rican birth certificate and claimed to be a United States citizen by virtue of his birth in Puerto Rico. Mr.Finklea was not satisfied with this and referred the applicant to me to conduct the secondary interview.

Q Did you do that?

A Yes, sir.

Q Did you ask the individual some questions?

A Yes, sir.

Q Tell the jury what was said at that interview?

A Well, I had the birth certificate. I questioned some of the factual data to see if he was familiar with the information on the document. Early in the interview I inquired as to how much time he had spent in Puerto Rico and he responded that he had been born there, lived there until he was approximately 14, came to New York City until he was about 19, returned to Puerto Rico and had lived in and out of Puerto Rico since

that time.

Q Incidentally, what language was this interview in?

A Spanish.

Q Did the individual by the name you mentioned speak any English?

A Very limited English.

Q How is your Spanish?

A Adequate for the purpose.

Q Now, what other questions did you ask him and what responses did he give?

A Well, in trying to make an opinion, form an opinion in my mind, as to whether or not he actually was Puerto Rican or possibly someone pretending to be Puerto Rican I asked him things relating to Puerto Rico, things a person living at that location would be familiar with.

Q Such as?

A Well, San Juan, the capital city, Ponce is a major city on the island, and I inquired how far Ponce is from San Juan.

Q I'm sorry. P-o-n-c-e?

A P-o-n-c-e.

And this is a situation that I assumed in

my question a person from Puerto Rico would be familiar with.

His response was about six miles. Ponce is actually located approximately 120 miles, on the complete opposite side of the island.

Q You live in Puerto Rico now, don't you?

A Yes, sir.

Q And you know that to be the fact?

A Yes, sir.

Q What else did you ask him?

A I inquired, "Where are you going to school?" I inquired if he had registered for Selective Service, if he had a draft card. And he didn't comprehend what I was asking about the draft card.

I asked him if he was familiar with what beers were made and sold in Puerto Rico, and he responded to that by saying that he drank whiskey.

I inquired about the most famous landmark in Puerto Rico, the Castillo de Morro, which is the old fort on the point, and he didn't know the name of this historical landmark in Puerto Rico.

Q How did that question go? Did you ask him the name of it, or how did the question go?

A I asked him what the name of the castle on

the point at San Juan was, and I imagine I went further by telling him there on the point, the tourist attraction, and so forth, to explain the location so there shouldn't be in my opinion any question as to the site I was referring to.

Q How about sports teams?

A Yes, sir. I inquired about that. Baseball is a very popular sport in Puerto Rico, and I inquired if he could tell me the names of any of the professional baseball teams and the cities which they represented on the island, and he was totally unfamiliar.

Q Now, what did you do next?

A At this point I asked him to empty his pockets, to put anything he had on his person there on the table so I could see whether or not there was any evidence of excludability in those documents, and he had no supportive documents. He had an amount of money in his pocket.

Q How much money was there?

A $16,081.

Q Did you notice anything about his dress or about luggage, for example?

A Yes, sir. It impressed me that he was very well attired, he had several pieces of expensive

luggage, and the quality was Pierre Cardin and similar type clothing.

Q What about personal valuables?

A Yes, sir. He was wearing an Omega watch that later Customs evaluated at $1200.

Q What did you do next with respect to this individual?

A Well, after discussing with him and reviewing the things that he had made available to me and finding that he had no other documentation that I had been able to locate, I referred him to Customs, U. S. Customs, and recommended a personal search.

Q And what happened there?

A This search was negative and I returned --

THE COURT: Negative means you didn't find anything?

THE WITNESS: Yes, sir.

A And I returned him to the Immigration area.

Q Now, what happened after you returned him to the Immigration area?

A Well, I was not satisfied at all that the applicant was indeed born in Puerto Rico and therefore his citizenship was seriously questioned, and I prepared the reports necessary to defer his inspection,

a continuing process, to our district office in Miami, where record checks, et cetera, could be conducted.

Q Could a check have been conducted that day?

MR. ALTER: Objection to what could have been.

THE COURT: Ask him is it possible to --

MR. BELLER: I withdraw it.

Q Was your office open that day?

A No, sir.

Q Why not?

A This occurred in the morning hours, and under normal procedure, had the office been open, he would have been down without any undue delay and the continued inspection would have taken place that afternoon.

I can't tell you without research of a calendar but it must have been a holiday, because this occurred, as I recall, on a Monday and he was referred the following morning, a Tuesday morning, for the continuing inspection.

Q Could it have been Labor Day?

A Very well.

Q To whom did you refer him, that is, the inidvidual presenting his name as Joachin Antonio Diaz

Figueroa?

A Well, the individual is simply to be presented to the Immigration office, not simply to an individual, for the continuing inspection the following day. But as he is in the deferral process, it is routine for the carrier which brings the applicant to the United States to retain the responsibility for maintaining the individual until the inspection is conducted, and in that regard the airlines have guard services or someone to assume this responsibility for them.

So in my deferral I executed an order to present and gave it to the guard service which represented the airline and they were then to take him to the next stop, which would have been the following morning at our district office.

Q What was the airline that the individual came in on?

A He arrived on Braniff Airlines.

Q Do you know from what country?

A Yes, sir, he was arriving, I believe, from Panama. As I recall, he was ticketed Panama-Miami-New Orleans. I believe he was arriving from Panama at that time.

Q Do you remember the name of the private guard

service?

A That is United States Guard represented Braniff.

Q At that time who operated United States Guards?

A A Mr.Gonzalez was associated with the management. I can't recall the other individual's name. I believe his associate. And there was a Jose Carrero was an employee of theirs and he was the representative who actually signed the receipt and took the gentleman from me for deferral.

Q I saw you for the first time on Tuesday, is that correct?

A Yes, sir.

Q And you were shown some photographs?

A Right.

Q And were you asked to select the photograph of the individual you thought you processed, Joachin Antonio Diaz?

THE COURT: Is that correct?

THE WITNESS: Yes, sir.

Q I show you --

THE COURT: Don't show it to him now. Did he pick it out?

MR. BELLER: This is the one, your Honor.

Q I show you Exhibit 68B. Is that the photograph you selected?

A Yes, my initials appear on the reverse.

Q That man is not here in court, is that right?

MR. BELLER: I withdraw that.

THE COURT: It is conceded that is not the defendants.

Q One other question. The man you processed as Joachin Antonio Diaz Figueroa, from whom did you receive that individual, who referred him to you?

A Inspector Finklea.

(Pause.)

MR. ALTER: Do you want you want your script?

MR. BELLER: I object to that comment. It is absolutely outrageous.

THE COURT: What are you objecting to?

MR. BELLER: Your Honor, I ask the jury be instructed that it is an ethical obligation to prepare witnesses. This is not a script. He said, "Do you want your script?" This is not a script. These are questions prepared, which I am required to do. It is every lawyer's obligation. I don't know what

I B R A I N G O N Z A L E Z, called as a witness by the government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Gonzalez, it is a very noisy courtroom so I am going to ask you to keep your voice up so the last juror can hear you.

Sir, how are you employed?

A I am president of a company, a security company.

Q All right. Now, you should testify in a loud voice, if you can, as if all the jury understands Spanish. All right.

You do understand some English, is that correct?

A Some.

Q What is the name of your company?

A United States Guard Agency.

Q United States Guard Agency. Where is United States Guard located?

A 1542 West Flagler Street, Miami, Florida.

Q What kind of a business is United States Guard?

A It's a security service to the airline companies at the airport.

Q What kind of service actually do you provide?

A For the immigration cases.

Q Would you tell the jury where your employees work?

A At the airport of Miami, Florida.

Q And you also have the office at Flagler Street, is that correct?

A Yes, sir.

Q Was United States Guard in business in September of 1973?

A Yes, sir.

Q Without going into details, approximately how many airlines did you service at that time?

A Twelve or thirteen airline companies.

Q Was one of those Braniff Airlines?

A Yes, sir.

Q Did there come a time in September of 1973 when United States Guard was charged with an individual giving a name Joachin Antonio Diaz Figueroa?

A Yes, sir.

Q And what happened?

A Mr. Carrero, who works for us at the United

States Guard -- Braniff turned over Mr. Figueroa to him at the Immigration area of the airport, and Mr. Carrero turned him over to me afterwards.

Q And what did you do with the man giving the name Diaz?

A Then we went to the office, which is situated at 1542 West Flagler Street in Miami.

Q And what were to be your responsibilities with respect to this man you called Diaz?

A To deliver him the next day to the central office of Immigration in downtown Miami, Florida.

Q And what were your plans for Mr. Diaz for --

MR. BELLER: Withdrawn.

Q When Mr. Diaz was turned over to you by Mr. Carrero, was that in the morning or the afternoon or the evening?

A In the morning.

Q And what were you intending to do with Mr. Diaz for the balance of the day?

A To watch him, watch him, these guards that I have,the next day in order to present him to Immigration.

Q How about for the evening, what was to be done in the evening?

A At night he was transferred to an apartment which we had rented so that he could sleep.

Q Backing up a little bit, in your office, when you arrived with this man you called Diaz, what happened?

A Mr. Diaz -- I was told that he had money. I don't --

MR. ALTER: Objection.

Q Let me interrupt. Without saying what you were told, what did you do with respect to Mr. Dias?

A Well, what I did with the man was that I said to him --

MR. ALTER: Objection. I object to the answer.

THE COURT: Shall I continue to translate?

MR. ALTER: I submit the answer will be hearsay as well.

THE COURT: What's the grounds of the objection?

MR. ALTER: He is about to relate his conversation to the defendant.

THE COURT: He is going to relate his conversation to the defendant?

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MR. ALTER: He was about to say, "I said to the person." I submit that is hearsay.

THE COURT: This is just telling the continuation of events, isn't it? It is not offered for the truth of what was said.

Overruled.

MR. ALTER: I make my objection.

THE COURT: Overruled.

BY MR. BELLER:

Q Go ahead. What happened?

A In other words, then to safeguard, so that he wouldn't be robbed, I said to him that he should turn over to me the money which he had, and the man turned over to me $10,000.

Q Did you give him a receipt?

A I had -- I made up two receipts, duplicates.

Q Duplicate originals?

A Originals.

Q What did you do with the receipts?

A Mine, I put it away. On the other one I gave it to the man.

Q I show you what has been marked as Government's Exhibit 57 for identification. Can you identify that exhibit?

A Of course, because it is written by me and signed by me, signed by Mr. Diaz.

Q In what language is the receipt?

A In Spanish.

MR. BELLER: Your Honor, at this time the government offers Exhibit 57 for identification, a copy of which has already been turned over.

(Pause.)

THE COURT: All you are doing now is deciding whether you are going to object.

MR. ALTER: I object.

THE COURT: On what ground do you object?

MR. ALTER: I am advised, your Honor, the translation reveals it is not a receive. It is an acknowledgement of some sort. It is being introduced as a receipt, as a business record. It is not translated so I had some difficulty.

I would think that a receipt should be signed by Mr. Gonzalez.

THE COURT: This signature here, Diaz --

THE WITNESS: It was he who signed it.

THE COURT: He signed that in your presence?

THE WITNESS: Yes, yes.

THE COURT: Whether it is a receipt or not is for the jury to say if the document was signed.

MR. ALTER: May I request it be translated and the translation be appended?

MR. BELLER: It is just what I was about to do right now.

Would you interpret this?

THE INTERPRETER: I received from Joachim Antonio Diaz Figueroa the quantity of 100 bills of $100, which makes the quantity of $10,000," and then ten thousand is written in English. It is Joachim-something.

THE COURT: There are two signatures on it?

THE INTERPRETER: Yes.

BY MR. BELLER:

Q The signature is yours?

A That is mine.

Q And the other signature, who signed that?

A Mr. Diaz was the one who signed it.

Q Now, you --

MR. BELLER: Is this in evidence, your Honor?

THE COURT: It is received in evidence.

(Government's Exhibit 57 was received in evidence.)

Q You received $10,000 from him, is that correct?

A Yes, sir.

Q In what combinations were they?

A $100, each bill.

Q What happened next? What did you do next with Mr. Diaz?

A I left him in the office and I went to the airport, to my job.

Q Was Mr. Diaz taken to this place in the evening to sleep?

A Yes, sir, yes, sir.

Q What is the address of that location?

A 1752 Northwest 1st Street, Miami, Florida, second floor.

Q Now, could you describe the premises at that address?

A Yes, sir. Yes, sir. There were two apartments, one downstairs and one upstairs on the right-hand side and one downstairs and one upstairs on the left-hand side, making four.

Q Four apartments in all?

A Yes, sir, yes,sir.

Q I may be repeating, but did you say what floor your apartment was on, the apartment for the United States Guard?

A On the second floor.

Q Did there come a time that night when you received a telephone call from one of the guards?

A Yes, sir.

Q And approximately what time was that?

A Between 12 and 12:30 at night.

Q Now, without telling us what was said, tell the jury what you did as a result of that phone call or after that phone call.

A Yes, sir.

Q Would you tell the jury what you did after you received the telephone call?

A The first thing I did was to go to the Immigration office at the airport to tell what had happened. Mr. Diaz had escaped through the window of the second floor and he had broken the screen on the window.

Q What did you do next?

A And then afterwards I went to the apartment to see what had happened, to see it with my own eyes.

Q Will you tell the jury what you saw?

A The screen which was broken.

Q Which screen?

A The window on the second floor where he was.

Q Did you see Mr. Diaz there?

A No, sir. I have never seen him again since then.

Q What did you do with the money that he left with you?

A When I went to Immigration the same night that Mr. Diaz escaped, I carried the money with me to turn it over to the officials of Immigration but they didn't accept it that day.

So the next day when I presented myself at the central office of Immigration, I also took the money there and the officer, Mr. Finklea didn't accept it.

Then afterwards they called Internal Revenue.

Q Did you deposit the funds ultimately with the Internal Revenue Service?

A They gave me a citation. I deposited the money -- I deposited it at the airport bank in Miami.

Q In whose account?

A No account, in the safe that they have there, safe box and before that I took it to Braniff to see if they could put it in their box and they didn't want to accept it.

Q Did you ultimately dispose of the money?

A I never touched this money.

Q Did you give it over to somebody's custody?

A I want to clear this up, my touching, I didn't take it myself.

THE COURT: What did you do with it?

THE WITNESS: To put it, all of the authorities knew about it and nobody wanted to accept it so I put it in the airport bank.

Q What happened to it after that?

A The Internal Revenue called me to the effect that they would take charge of the money.

Q Did they do that?

A They took charge of the amount of $9000 because I told them that Immigration charged $1000 fine of any person who escaped.

Q Did you pay the fine from the $10,000?

A No, the fine continues in the amount of $1000.

Q I will ask you to look around the courtroom now and tell the jury whether the man who you know as

Antonio Diaz Figueroa is in court today?

A The gentleman there (indicating).

MR. BELLER: Pointing to the defendant Vidal.

THE COURT: Is that all?

MR. BELLER: I want to offer a couple of exhibits.

Q Mr. Gonzalez, I show you Government's Exhibit 56 for identification.

Can you identify that exhibit?

A Yes, because here I signed it in back, my initials.

Q When did you sign it?

A In your office, in the office of Mr. Beller.

Q How did I get that document?

A Because I turned it over to you personally.

Q Is it a copy of the document in your files?

A Yes, sir.

Q Did you bring it up from Florida when you came to New York?

A Yes, sir.

Q I show you Government's Exhibit 5-A for identification.

Can you identify that?

A Yes, because I delivered it to Mr. Beller.

Q What is that document?

A These are the $9000 which I delivered to Internal Revenue. They gave me a receipt.

MR. BELLER: The Government offers Exhibits 56 and 58 for identification in evidence.

MR. ALTER: No objection.

THE COURT: Received.

(Government's Exhibits 56 and 58 for identification were received in evidence.)

MR. BELLER: No further questions.

CROSS EXAMINATION

BY MR. ALTER:

Q Mr. Gonzalez, before you came to New York did you have an opportunity to see photographs of Mr. Vidal?

A Yes, sir.

Q This was at Braniff, wasn't it?

A At the Braniff office.

Q How big a picture was it?

A Regular, regular size photograph.

Q You saw it three or four times?

A Or more, because I would go in and come out of the office.

Q Was it similar to the picture that Mr. Beller showed you, was it not?

A Like it, yes.

Q When you identified the defendant this morning you called him Mr. Vidal, not Diaz or Figueroa?

MR. BELLER: I don't recall anything like that in the testimony.

THE COURT: His recollection is different from yours.

MR. BELLER: The jury doesn't know what this morning means.

THE COURT: He says he didn't.

MR. BELLER: I stand corrected.

Q Do you know the man's name who you identified as Diaz?

A On the papers which were turned over to me by Immigration he is down as Joaquin Figueroa Diaz.

MR. ALTER: That is all.

MR. PANZER: I have nothing.

REDIRECT EXAMINATION

BY MR. BELLER:

Q When did you see these photographs of the man you have identified at Braniff?

A A short time after Mr. Figueroa escaped.

Q 1973?

A Yes, 1973.

ROBERT G. ROSS, called as a witness by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Ross, will you tell the jury how you are employed?

A I am employed as a special agent of the FBI.

Q Where did you work, what was your station?

A Miami, Florida.

Q How long have you been with the FBI?

A Approximately four years.

Q So you were working with the FBI in 1973?

A Yes, I was.

Q Also in Miami?

A Yes, sir.

Q What was your assignment at that time?

MR. ALTER: Objection.

May I approach the side bar?

THE COURT: Do you need it? If you don't need it let us not bother with the side bar.

What were you doing?

Q Were you on duty in the period of September and October and November, December, 1973?

A Yes, sir.

Q Did there come a time when your duties required you to look for an individual by the name of Antonio Borrego Vidal?

A Yes, in September of 1973.

Q Will you tell the jury when you were given that assignment?

A On September 7, 1973 our office received a letter from the office of the United States Attorney in Miami advising us that --

Q Mr. Ross, let me interrupt. You understand that you are not to tell the jury anything you were told by anyone, just the results of the conversations.

A Yes, sir.

THE COURT: You got a communication from the United States Attorney's office and as a result of which you did something.

THE WITNESS: Yes, sir.

THE COURT: What did you do as a result?

THE WITNESS: I commenced looking for Mr. Borrego.

Q Will you tell the jury what You did with respect to looking for Mr. Borrego?

A Initially I reviewed the records of various

Government agencies for information which might be of value in locating him.

I spoke to his bondsman of record and other people who had dealings with him. I also visited his home of record on two occasions. The first time I found it to be vacant and the second time it was occupied by another person.

During the next few months I also conducted surveillances of individuals and places where I thought I might be able to find Mr. Borrego. This was for the period from September 1973 through approximately December 1973.

Q Did you learn anything with respect to the home of record?

A Yes, sir. I visited it the first time and I found that the house was empty. There were several letters in the mailbox outside which I observed addressed to Mr. Borrego. Apparently no one was living inside it.

MR. ALTER: I object to the details of the surveillance or search. He caught him and let us get to that. It is immaterial.

THE COURT: I think the jury is entitled to consider this issue.

Q Go ahead with your answer?

A On the second occasion I visited the house I spoke to an individual who was residing inside who told me that recently --

MR. ALTER: Objection.

THE COURT: Never mind what they told you.

Q Can you tell the jury what you did in respect to your search for Mr. Borrego during this period of time? What addresses did you visit, whom did you speak to and so on.

MR. ALTER: Same objection.

THE COURT: Don't tell us what they said.

A I visited his home of record which at that time was Homestead, Florida, 17255 Southwest 256th Street.

I also conducted surveillances on Nicola's Lounge, the Office Lounge in Miami, the Gargaga Restaurant in Miami and several other similar restaurant and lounge-type places.

I also conducted surveillance at the residence of an individual on Northwest 8th Street in Miami.

Q Did there come a time when you finally found Mr. Borrego?

A Yes, sir, on December 22, 1973.

Q Do you see that individual in court today?

A Yes, sir, I do, sitting behind Mr. White and

Mr. Alter at the counsel table.

MR. BELLER: May the record reflect that the witness identified correctly Mr. Vidal.

Q What did you do on December 22, 1973?

A I arrested Mr. Borrego at an apartment on Northwest 8th Street in Miami.

Q What did you do after placing him under arrest?

A Advised him that he was under arrest on a charge of bond jumping; advised him of his constitutional rights.

THE COURT: Do you speak Spanish?

THE WITNESS: No, sir. I had an agent with me who served as an interpreter for me and he took care of that.

A (Continuing) I advised him of his constitutional rights placed him in an FBI vehicle and took him to the Dade County Jail where I booked him in.

Q What happened there?

A He was processed through and booked and held for the United States Marshal. I conducted an inventory of his personal effects and on the way to the jail from the place of arrest briefly interviewed him.

Q I show you Government's Exhibit 59 for identification.

Can you identify that exhibit?

A Yes. These are the various articles I took from Mr. Borrego's possession at the time I arrested him.

MR. BELLER: The Government offers the contents of the envelope.

VOIR DIRE EXAMINATION

BY MR. ALTER:

Q Agent Ross, where were these taken from the defendant?

A What physical location?

Q Yes, sir.

A At the Dade County Jail.

Q By whom?

A By myself.

Q You maintained custody until they were transmitted to the Government?

A Yes, sir.

MR. ALTER: Objection, relevancy.

THE COURT: May I see them?

(Handed to Court.)

THE COURT: I will allow them.

(Government's Exhibit 59 for identification was received in evidence.)

(Exhibit read to jury.)

Q Agent Ross, did you interview the defendant?

A Yes, sir, he was interviewed on the way from the point of arrest to the Dade County Jail.

Q Did you ask him his name?

A Yes, sir.

Q What did he say his name was?

A He told me it was Antonio Borrego Vidal also known as Nico.

MR. BELLER: No further questions, your Honor.

CROSS EXAMINATION

BY MR. ALTER:

Q Good morning, Agent Ross.

A Good morning.

Q Did you conduct an interview on November 1st, 1973 with an attorney Oscar White with regard to the fugitivity of the defendant Vidal?

A I don't recall the date but I did conduct an interview of Mr. White.

Q Did you subsequently furnish that material in one of the 3500 exhibits?

MR. BELLER: Your Honor, I don't know how he could know what is the 3500 exhibits.

THE COURT: Did you turn it over to the Government?

THE WITNESS: Yes, sir.

Q You were looking for Mr. Vidal on a bail-jumping warrant issued out of the Southern District of Florida, is that correct?

A Yes, sir.

Q Was there any process outstanding for him out of this district?

A I wasn't aware of any.

Q Now, in the interview did you ask counsel --

MR. BELLER: I object to anything counsel may have said.

MR. ALTER: I would like to complete the question.

THE COURT: I will hear you up here.

(At the side bar.)

MR. ALTER: Within the red lines, your Honor (handing document to Court).

THE COURT: Excluded. You can mark it for identification.

MR. ALTER: I submit, your Honor, that the Government is seeking to introduce frame of mind.

THE COURT: You can't do that by any hearsay statements.

MR. ALTER: I am going to ask if he advised him

O R L A N D O M O L L I N E D O , called as a witness by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Mollinedo, by whom are you employed?

A I am employed by the Bank of Miami in downtown Miami.

Q How long have you worked for the bank?

A About three and a half years.

Q Were you working there in 1972?

A Yes, I was.

Q What are your duties now?

A Right now I am the bank cashier. I am in charge of the operations of the bank.

Q I will ask you to keep your voice up because we have some competition outside and I want the jury to hear you.

What were your duties in 1972?

A I was bank auditor at that time.

Q What were your functions as auditor?

A To keep all the internal controls going and see that they were in a safe place.

Q Did you have any duties with respect to safe-

deposit boxes up to date, the rent of them.

MR. BELLER: I would offer this exhibit.

MR. ALTER: No objection.

(Government's Exhibit 67 was received in evidence.)

(Government's Exhibit 69 was marked for identification.)

Q I show you Government's Exhibit 69 for identification.

Can you identify that exhibit, please?

A This is a safe-deposit contract signed by the customer and also the record of visitation of this particular customer.

Q What is the name of the customer?

A Justa Hernandez.

Q What is it a registration for?

A It is a registration form --

Q What is the registration for?

A To open a safe-deposit box at the bank.

Q What is the number of the box?

A 284.

MR. ALTER: May we have an offer of proof at this time?

(At the side bar.)

MR. ALTER: I'm not being surprised but prudent.

MR. BELLER: The record reflects that as in the last case this is the gentleman who drilled open a box after having sent letters to the person who rented the box and the box contained $14,000 in $100 bills wrapped in a New York department store shopping bag.

THE COURT: This box was in whose name?

MR. BELLER: Justa Hernandez, his wife.

THE COURT: This fellow Vidal was using the name.

MR. ALTER: Your Honor, in Florida we do not have community property and the receipt that was issued to Mrs. Hernandez recites that it is her money and to us the assets of a wife as proof against a husband to me is clearly prejudicial and an invasion of the husband and wife relationship and can only be produced for the damning and damaging effect.

THE COURT: All evidence is damaging. I think the jury can infer from this, the hundred-dollar bills that it comes from New York.

MR. ALTER: There is no testimony that the bills come from New York.

THE COURT: The shopping bag. That is a jury argument.

MR. PANZER: Is this offered against my client also?

THE COURT: I would assume not.

MR. BELLER: No. We can get an instruction on the proof offered as to the last three witnesses.

THE COURT: Yes, I will at the end.

(In open court.)

BY MR. BELLER:

Q Was the safe-deposit box opened?

A Yes, June 29, 1970.

Q What did you do with respect to that box?

A Well, this box as I explained before was past due in 1971. The customer paid for a one-year fee and it was past due since 1971.

Q The customer paid for June 29, '71 to June 29, 1972?

A 1970 to 1971, yes.

Q What happened on June 29, 1971?

A When it became past due several tickler letters were sent to the customer as a regular procedure informing her that her box was past due.

Q What was the result of sending those letters?

A There were no results at all. The customer never showed at the bank and the tickler letters were just

gone.

Q What did you do after sending the tickler notices?

A Then we sent letters addressed to the same address that we had on file and we also had no response.

Q What did you do at that point?

A At that point we had a right to drill the box after notifying the customer that the box was going to be drilled.

Q You decided to drill the box?

A Yes, we did.

Q When did you make that decision?

A In November of 1972.

Q Will you explain to the jury what it means, drilling a box?

A We bring in a locksmith, also with a Notary Public and two officers of the bank are present when these boxes are drilled.

THE COURT: Drilling the box is drilling open the lock?

THE WITNESS: Right, with a locksmith. We force the box.

Q Were you present when the box registered to Justa Hernandez was drilled?

A Yes.

Q Did you see the contents of the safe-deposit box?

A Yes, I did.

Q What did you see?

A We found $14,000 in $100 bills denomination wrapped in a bag from a New York store.

Q What do you mean by a bag from a New York store?

A It was a small shopping bag from a New York store. We couldn't see the name of the store but it said New York.

Q What was done with the money?

A The money was sealed with a safe-deposit receipt from the bank and placed in the bank safekeeping vault.

Q What if anything happened with regard to the money?

A Another letter was sent to the customer to the same address we had on file, the only one on file and in a couple of days the lady came to the bank.

Q. Which lady?

A Justa Hernandez came in to claim her money.

Q What happened?

A She had identified herself and she got the money, $14,000.

Q I show you Government's Exhibit 70 for identification.

Can you identify that exhibit for the jury?

A Right, this is our safekeeping receipt dated November 29, 1972 with relation to the $14,000, $100 bills wrapped in the bag from the New York store.

Q Does this have your signature on it?

A It shows my signature and the other two officers present.

Q That is a copy, is it not?

A That is a copy.

Q Of what?

A The safekeeping receipt of the bank.

THE COURT: A Xerox copy?

THE WITNESS: Yes, sir.

MR. BELLER: The Government offers Exhibits 69 and 70 in evidence.

MR. BELLER: I have no further questions.

CROSS EXAMINATION

BY MR. ALTER:

Q Mr. Mollinedo, the only person who had access to that box was Justa Hernandez?

A Yes.

Q The funds were ultimately returned to her,

correct?

A They were.

Q When the funds were returned to Hernandez was not in fact a receipt issued?

A A receipt for that purpose?

Q Yes.

A Well, this is my signature saying that the funds were released December 1st , 1972 on a safekeeping receipt.

MR. ALTER: Is there not yet another document which served as a receipt for the funds when returned to Mrs. Hernandez?

THE COURT: Did you get a receipt from the lady? It is conceded, is it not?

Is the receipt relevant?

MR. ALTER: The recitation on the receipt is relevant that it is her property.

MR. BELLER: I object, your Honor, that would be hearsay anyway.

THE COURT: If they got a receipt we should have it.

MR. BELLER: I don't believe I have anything other.

Q Do you recollect that Justa Hernandez received

the funds and signed for them?

A She got the funds, I am sure of that.

Q As her property?

MR. BELLER: I object to that.

THE COURT: He doesn't know whether the property belonged to her, all he had is a record.

MR. BELLER: He has no way of knowing.

THE COURT: The record shows that it was her safe-deposit box and that is all he knows about it.

Q Were you asked to bring any bank records with you or only these that are here today as regards this testimony?

A I brought the same records I had from last year and I see those records here in front of me.

Q Are there any other records besides these documents that you recollected or have with you which would serve as a receipt for the funds?

A I don't believe there is anything else.

MR. ALTER: No other questions.

THE COURT: You may step down.

(Witness excused.)

(Government's Exhibits 69 and 70 for identification were received in evidence.)

THE COURT: Ladies and gentlemen, I think it

York Telephone Company man.

- -

J A M E S S T A F F O R D , called as a witness by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Stafford, when did we meet for the first time?

A About a quarter to two.

Q Which day?

A Today.

Q How are you employed, sir?

A I am employed by the New York Telephone Company.

Q What do you do for the New York Telephone Company?

A As an investigator.

Q How long have you been with the phone company?

A With the Telephone Company, 28 years.

MR. BELLER: Will you mark this as the next Government's exhibit for identification.

(Government's Exhibit 71 was marked for identification.)

Q Mr. Stafford, I show you Government's Exhibit 71

for identification.

Can you identify that for the jury, please?

A Yes. This is a New York Telephone Company line card.

Q What is a line card?

A It has the telephone number on it and, of course, the name and address of the subscriber to the particular telephone number.

Q Is that -- what is the telephone number for this line card?

A It is 882-2445.

Q Is that a record kept in the ordinary course of the business of the New York Telephone Company?

A Yes.

Q Is it the ordinary course of business to keep such records?

A Yes.

MR. BELLER: At this time I offer Exhibit 71 in evidence.

Q What is the subscriber's name, I am sorry?

A The subscriber is Anthony Rizzo.

MR. ALTER: Objection.

MR. WHITE: Irrelevant and immaterial.

MR. PANZER: I have no objection.

MR. ALTER: We object.

May we make the objection at the side bar?

(At the side bar.)

MR. ALTER: I don't recollect having heard any testimony regarding this subscriber or this card.

Is it anybody in this case?

MR. BELLER: You haven't heard it because it is coming up tomorrow morning. Anthony Rizzo is the name of Tony Stanzione.

THE COURT: We have not heard that number before?

MR. BELLER: You will hear it when we go through. It is one of the coded numbers and it won't have any significance to the jury at this point.

MR. ALTER: It is premature.

(In open court.)

THE COURT: This has no significance as yet. It may or may not at a future time.

MR. BELLER: I offer Exhibit 71.

THE COURT: Received.

(Government's Exhibit 71 for identification was received in evidence.)

Q Speak loud, please. The subscriber here is listed and then there is NP. What is that?

A That is non-published.

Q The subscriber is Rizzo, Anthony?

A Yes, sir.

Q And another number?

A That is the address.

Q 3516 Bayberry Avenue?

A That is correct.

Q And the telephone number?

A Yes.

Q 882-2445?

A Yes.

Q This is the non-published number?

A Yes.

Q And an apartment listing?

A Yes.

Q Then there are other entries. Here is the NPS. What is that?

A Non-published service.

Q And at the end of the line here is another telephone number. What does that signify?

A That signifies that there was a change of telephone and main listing. The old telephone number is the number we have here.

Q 882-2992?

A That is correct.

Q And 882-2992 is changed to 882-2445?

A That is correct.

Q Both non-published?

A No, it doesn't say that. One evidently was a listed telephone.

Q Then there is a reference to the reason that the number was changed, is that correct?

A Yes.

Q Or a complaint?

A Yes.

Q And some more numbers which probably are of significance to the phone company?

A This is telephone technology at the bottom of the card.

MR. BELLER: I will just show this to you at this time and pass it around again at a later time.

I have no further questions, your Honor.

(Government's Exhibit 71 was received in evidence.)

THE COURT: You may inquire.

MR. ALTER: No questions.

MR. PANZER: No questions.

THE COURT: You may step down.

(Witness excused.)

THE COURT: Due to the fact we will stop at 4 I didn't think we would have a break, unless somebody wants it.

W I L L I E J A M E S P I C K E T T, called as a witness by the government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Pickett, how are you employed?

A By the New Jersey Bell Telephone Company.

Q And how long have you been with the New Jersey phone company?

A Seven years.

THE COURT: Seven?

THE WITNESS: Yes.

Q What do you do at the phone company?

A I am a commercial representative.

Q I show you --

MR. BELLER: May I have this marked Government's Exhibit 72 for identification.

(Government's Exhibit 72 was marked for identification.)

Q Can you identify that exhibit for the jury, please?

A Yes, these are New Jersey Bell Telephone Company records.

Q All right. And what kind of records are hey?

Mr. Pickett,keep your voice up, please, so the jurors can hear you.

A All right. The first one here is credit information. This is where we keep the customer's name, his telephone number. When he first calls in to the office all this information is put down on this sheet here.

Q I see. What is the name of the customer reflected in that exhibit?

A Anthony Stanzione.

Q What are the other pages of that exhibit?

A The other pages are for his service, equipment, nonpublished numbers, and things of that nature.

Q Are those copies of the records of the New Jersey Telephone Company?

A Yes.

Q I'm sorry. Are they are are they not?

A They are.

Q Are those records kept in the ordinary course of the phone company's business?

A Yes, they are.

Q And is it the ordinary course of business to keep records of that type?

A Yes.

MR. BELLER: Your Honor, at this time the government offers Exhibit 72 for identification.

MR. ALTER: Same objection.

MR. PANZER: No objection, your Honor.

THE COURT: Received.

(Government's Exhibit 72 was received in evidence.)

Q Now, I will stand next to you but still ask

you to keep your voice up so the jurors can hear you.

This is a record for Anthony Stanzione, is that correct?

A Yes.

Q And is this --

THE COURT: Talk to the man sitting back there. Talk to him.

Q -- is for Anthony Stanzione, is that correct?

A Yes.

Q And there is a date here 3/18/71, is that correct?

A Yes.

Q What does that signify?

A When service was established.

Q Okay. And there is a phone number in the upper right-hand corner, is that correct?

A Yes.

Q 871-1791. What does that signify?

A That this particular number belongs to Mr. Stanzione -- Anthony Stanzione.

Q And where is that, what state?

A That is in New Jersey.

Q There is an entry underneath the name. What

does that signify?

A The place of employment for the customer.

Q And it says "Rusam Auto Sellers," is that correct?

A Yes.

Q And he is the manager?

A Yes.

Q And there is some information about a credit deposit, is that correct?

A Yes.

Q Will you tell the jury what the figures on page 3 stand for, what they signify?

A Well, first of all, it is when service was established, the customer's name, whether they want it published or nonpublished.

Q And in this instance was it published or non-published?

A Nonpublished, and also the address where the customer lived, and service and equipment.

Q Let me ask you this: The address of the customer in this instance, Anthony Stanzione, is 445 North Woodland, Englewood, is that correct?

A Yes.

Q And then a variety of service listings, is

that correct?

A Yes.

Q And some abbreviations?

A All the extensions and different color phone.

Q This is similar information, is that correct?

A Yes.

Q This is a continuation of the recordfor that phone?

A Yes.

Q What is signified by a line going through a sheet of paper?

A That service has been terminated.

Q Now, the next-to-the-last sheet reflects what?

A For every telephone that he has in his apartment there is a charge, andthis reflects the charges, how much he is paying for what.

Q How many telephones did he have?

A Four.

Q Okay. And the last page is more information of relevance to the phone company, is that correct?

A Yes.

MR. BELLER: Thank you.

I have no further questions, your Honor.

MR. ALTER: No cross.

MR. PANZER: No questions.

THE COURT: You may step down. Thank you.

(Witness excused.)

MR. BELLER: The government calls Thomas Luby

T H O M A S L U B Y, called as a witness by the government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Luby, will you tell the jury how you are employed?

A I am the Atlantic ticket agent for the Cunard Steamship Company.

Q How long have you been with the Cunard Line?

A Forty-one years.

Q What is your most famous ship at the Cunard Lines?

A Queen Elizabeth II now.

MR. BELLER: May I have this marked as

Government's Exhibit 73 and 73A for identification.

THE COURT: The Mauretania was in the past?

THE WITNESS: In the past. They are all ours.

Q I show you what has been marked Government's Exhibit 73 for identification and 73A for identification. Would you identify those exhibits for the jury, please?

A 73 is a copy of the motor vehicle contract ticket. This one shows that Mr. G. Dumoing, D-u-m-o-i-n-g, his contract to be put on board the Queen Elizabeth II from Le Havre, France to New York on July 16, 1971, a truck, Mercedes-Benz.

Q And are those other documents related to the contract for that truck? Well, 73, first of all.

A On 73 --

Q You don't need to go through all the rest of the document. Are the other pages related to the contract between Cunard and Mr. Demoing for the truck?

A I see a copy here of a letter from Geneva to our office in Southampton referring to a truck, Mercedes-Benz, containing a racing car, Lola -- evidently that must be the name of the car -- to go on Queen Elizabeth II, July 16, 1971, from Le Havre to

New York. They say, "We are enclosing copy of the westbound contract ticket," which is --

Q Mr Luby, I don't want to interrupt. I would like to offer this in evidence and then we will go over what the documents say. For the moment, do the other pages in Exhibit 73, do all those relate to the truck and racing car?

A Yes, also passage for Mr. Dumoing as a passenger.

Q Would you identify 73A, please?

A 73A is a copy of the passenger list for the Queen Elizabeth which sailed from Southampton on July 16, 1971.

Q Good.

Now, are those copies of documents, records kept by the Cunard Line?

A That's right.

Q And are those records kept in the ordinary course of business for Cunard?

A Yes, it is.

Q And is it the ordinary course of Cunard's business to keep such records, sir?

A Yes, it is.

MR. BELLER: Your Honor, the government

sail 2204.

Q That is 10:04 in the evening?

A Yes.

MR. BELLER: Towards the end of the Telex it says, "One truck containing one racing car booked by Geneva could not be placed on board due to size and weight."

It says in paren, "5T400."

THE WITNESS: Five tons.

MR. BELLER: "One stowaway" -- that is not relevant.

Then there is additional information in the Telex indicating, "G.A. Sorry we were misinformed re ere of dimension when we agreed to transport the truck. We will probably be in touch with this again on Monday. Thanks for letting us know. Auto Skelton."

Q What does that signify, "Auto Skelton"?

A That would be the order department and name of the person who has been on the Telex.

MR. BELLER: Your Honor, I have no further questions.

I would like to pass this to the jury.

THE COURT: Any cross?

MR. ALTER: No, your Honor.

MR. PANZER: No, your Honor.

THE COURT: You may step down.

(Witness excused.)

MR. BELLER: The government calls Sandy Casselman.

S A N D R A C A S S E L M A N, called as a witness by the government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q We met before, did we not?

A Yes.

Q You will have to keep your voice up. It is a very large courtroom. Speak up.

Miss Casselman, are you employed at the present time?

A No, I am not.

Q I show you Government's Exhibit 1 in evidence. Can you identify that photograph?

A Luis Plaza.

Q I don't know if the jury heard that. Luis Plaza. Is that the answer?

A Yes.

MR. BELLER: Let the record reflect the witness has identified the photograph of Luis Ortega, Luis Plaza.

Q Where do you know Mr. Plaza from?

A I met him in a girl -- she had a place of business there on 74th Street and she had a business. I worked for her there.

Q Pardon me.

A I worked for her there.

Q And what kind of place of business was that?

A It was a house.

Q Hose of prostitution?

A Yes.

Q I show you Government's Exhibit 30. Can you identify that man?

A No. I'm not sure.

Q Will you take another look at it?

MR. ALTER: Your Honor, the witness has answered the question.

THE COURT: What?

MR. ALTER: The witness answered the question.

THE COURT: He asked her to take another

look at it.

A I'm not sure.

Q Well, tell us the circumstances -- when did you first meet Luis Plaza?

A Maybe '68, '69.

Q And who was -- where was the house of prostitution?

A 74th Street, between Second and Third.

Q How many times did you meet Luis Plaza?

A He used to come once a week, I would say, maybe -- I couldn't name it in figures, but --

Q Over which period of time would that be?

A About five or six months to a year. I'm not sure about the time or the date.

Q You say five or six months to a year?

A Yes.

MR. ALTER: Objection. He is leading the witness, your Honor.

MR. BELLER: I am not leading. I am asking what the answer was.

THE COURT: She answered. Go ahead. Next question.

MR. ALTER: He can ask for the answer.

Q Which period of time, which year, if you re-

call?

A It was '69.

Q When Mr. Plaza came to this house of prostituion, did he come alone or would he come with other people?

A He would come with other people.

THE COURT: Other people, you say?

THE WITNESS: Yes, sir.

Q Do you recall the names of any of the other people?

A The names are hard. I don't really know.

Q Sorry. I can't hear you.

A I say names are hard, faces --

Q Do you recall the names of any of them?

A I know one as "Pretty Eyes," that's all, you know. Various names.

Q What would happen when Plaza came to the house?

A He would come in, go downstairs and order a bottle of Chivas Regal and he had some cocaine with him.

Q And would you receive any specific instructions --

MR. BELLER: Withdrawn.

Q Who was in charge of this house?

A Eva.

Q Eva. What's her last name?

A I don't know.

Q Do you recall testifying on a previous occasion?

A Excuse me?

Q Do you recall testifying on a previous occasion?

A Testifying?

Q Yes, do you recall testifying on a previous occasion?

A Yes.

Q Do you recall being asked:

"Q What is the place?

"A A house of prostitution.

"Q" -- May, 1974, page 1577 -- "Q Operated by whom?

"A Eva Levy"?

Do you recall that?

A Yes.

THE COURT: Does that refresh your recollection?

THE WITNESS: Yes, it does.

Q Did you get any particular instructions from

DIRECT EXAMINATION

BY MR. BELLER:

Q Good morning, Mr. Wilkerson. Would you try to keep your voice up as much as possible.

A Okay, sir.

THE COURT: Talk way in the back.

Q Would you tell the jury where you live?

A I live at 3516 Baychester Avenue, the Bronx.

Q Bronx, New York?

A Bronx, New York.

Q How long have you lived at 3516 Baychester Avenue?

A Around about eight -- well, to my best knowledge, it's about eight years, more or less. Eight years, more or less.

Q Okay. Would you tell the jury what kind of building that is? What do the premises look like?

A It was -- well, I think -- I would say it's 16 units. It's three doors, one door to each unit, four partitions in each unit.

Q Okay. How many apartments in your unit?

A Four.

Q Are the other units also 3516 Baychester?

A Yes, sir.

A Yes, sir.

Q They are 3516 and not 3518?

A No, 3516.

Q Okay.

But when you go into your door how many apartments are there in the units for your door?

A One apartment only, the first floor.

Q And how many on the second floor?

A Pardon me. I said one apartment. It's two apartments, mine and another.

Q And the second floor?

A The same, two apartments.

Q Which floor did you live on, the first floor?

A The first floor.

Q Do you know when the building was erected, when it was put up?

A I don't know. I couldn't say definitely when it was erected, but I was the first tenant that ever moved in that permanently.

Q You have been living there how long?

A Eight years, more or less, I would say.

Q Okay.

When you moved in, was there anybody living

in the other apartment on the first floor?

A No one was living there.

Q And did there come a time when somebody moved in?

A Beg your pardon?

Q Did there come a time when somebody moved into that apartment?

A Yes, there came a time when someone else moved in.

Q Did you become friendly with that family?

A Well, as cordially I would say,yes, because they live right next door to you.

Q What do you mean by cordially?

A Well, when they come out, if they speak to me I return the courtesy of speaking to them.

THE COURT: But you didn't entertain each other in your homes?

A No, I was never in his apartment.

THE COURT: You just met them in the hall and spoke to them cordially?

A Yes.

Q What was that family composed of? I mean, how many people, if you know?

A It was four in the family, I think. A man

his fied, his two children.

Q Did there come a time when you learned the name of the man or the name of the family?

A Well, I learned the name. I called him Mr. Rizzo.

Q Would you say that again a little bit louder?

A Mr. Rizzo.

Q How is it that you learned his name?

A Well, I would say partly because he would speak to me as I go in and out the building that time and I did see a name in the mailbox, Mr. Rizzo.

THE COURT: R-i-z-z-o?

THE WITNESS: Yes.

Q Now, I show you Government's Exhibit 30 in evidence.

Do you recognize that man?

A This is the man I call Mr. Rizzo.

MR. BELLER: May the record reflect that Mr. Wilkerson identified Government's Exhibit 30, the photograph of Anthony Stanzione.

Q Did there come a time when this family moved away?

A Yes, they moved away.

Q Do you remember when that was?

A No, I couldn't give you a definite statement because -- in other words, I wasn't attending to their business and I do know that they moved out but I don't know what time; how long ago or nothing.

Q Would you be able to estimate? Was it this year?

A No, it wasn't this year.

Q Could you give an estimate of when you think they might have moved out or when you recall they moved out?

A Could I ask a question? I was down here before and it was before I was down they moved out.

Q I think you should try and figure it out if you

can.

THE COURT: You can fix the date he was down here.

Q One other time you were here, do you mean speaking to me?

A No, sir.

Q In May of 1973, and you might have been here once before?

A I was down at least three times.

Q If you can recall. If not it doesn't matter.

A Let's say about three years more or less they moved out.

THE COURT: From now, three years more or less?

Q Is that three years ago?

A More or less I would say.

Q Did you ever learn what business Mr. Rizzo was in?

A I never learned exactly what business he was in but I took it for granted he was a car dealer.

Q Why did you think that?

MR. ALTER: Objection.

THE COURT: What did he say?

A He had a dealer's license on his car.

Q I don't know if the jury heard that.

A He had a dealer's license on his car.

MR. BELLER: No further questions.

MR. ALTER: No questions.

MR. PANZER: No questions.

THE COURT: Thank you.

(Witness excused.)

MR. BELLER: Your Honor, at this time the Government would offer Exhibit 76 for identification in evidence.

MR. PANZER: I have no objection.

MR. ALTER: No objection.

(Government's Exhibit 76 for identification was received in evidence.)

MR. BELLER: These are the rent rolls for the Baychester -- 3516 Baychester Avenue. The landlord is unavailable as to the business records testimony and it has been agreed that he would testify that these are the business records.

If I could just have one moment, your Honor?

(Pause.)

MR. BELLER: These are the rent rolls and they begin in June of 1965 for the Apartment 3-L or L-R and the name is Anthony Rizzo and the rent record for Anthony Rizzo commences in June of 1965, Anthony Rizzo, L-R, 1516.

These are entries for the rent and it extends to 1971, through the month of July 1971 and that is indicated in this fashion:

Here is the entry, Anthony Rizzo, L-3 and beneath that is the name interestingly enough of John and Joseph Corbisiero and the second line is the new tenant and a reference to her, indicated over the top line, all for Rizzo and this is April, May, still on the top line, June and July, still on the top line and beginning in August 1971 it starts an entry for the second line which relates to the new tenant. You can see that here (indicating).

Over here is where it begins July 1971 on this line and August is on the bottom line.

The Government calls Mrs. Doyle.

- -

A R M A N D O D e C A R D E N A S , called as a witness by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Will you keep your voice up as much as possible because this is a large room and I want to be sure the last juror can hear you.

Will you tell the jury what your occupation is?

A Physician, practicing in internal medicine in hospitals and in my private practice.

Q Where is that?

A In 320 Central Park West, corner of 92nd Street in New York.

THE COURT: What hospitals?

THE WITNESS: Polyclinic and with the Medical Arts Center Hospital, St. Joseph's Hospital in Yonkers.

Q How long have you lived in the United States?

A Since 1961.

Q Where did you live before that?

A Before that in Cuba, my native country.

Q Were you a doctor in Cuba as well?

A Yes, physician there and professor at the University of Havana in internal medicine.

Q I show you Government's Exhibit 1 in evidence. Do you recognize that man?

A Yes, one of my patients.

Q By what name do you know him?

A First I knew him as Luis Ortega. Later he changed his name to Juan Plaza.

Q Did you have a conversation with him with respect to the change of name?

A No, sir.

Q Did he ever mention to you that he changed his name?

A When he was in my office it was because he told my secretary to change the name, the clinic history.

Q Approximately how many times did you meet him?

A It is difficult to say, you know, because they have more than 6000 patients but as far as I know at least 20 times.

Q He is your patient?

A Yes.

Q When did you begin to treat him?

A I cannot tell for sure. All the dates are in the clinic history of the patients that was subpoenaed for another Assistant Attorney General in relation to his case.

Q Do you have any memory of approximately when you met him?

A It is difficult for me. It is a matter of seven years, five years but I cannot say exactly.

Q I understand. Over how long a period of time did this take?

A For all this time until two or three years ago.

Q Did you ever treat any members of his family?

A Once was a lady that was his wife and I was treat to her for several periods of time.

Q Do you recall her name?

A Susana, S-u-s-a-n-a. The last name is Q- -- I think it is -- o-u-i. I am not absolutely sure.

Q Doctor, I would like you to look around in the courtroom and tell me if there is anyone you recognize.

A Really nobody here that is familiar to me. There is a gentleman there that looks familiar, but I cannot really affirm.

Q Which one?

A In the second row, sitting there. I mean in the second row of the table. But I cannot affirm, because I am not sure.

MR. BELLER: Will the record reflect that the witness is referring to Vidal.

Q Were you ever introduced to anyone by Mr.

Ortega, other than his wife.

A Several patients.

Q Do you recall any of their names?

A It is impossible for me.

(Pause.)

MR. BELLER: Your Honor, may we approach the side bar for one moment?

(At the side bar.)

MR. BELLER: Dr. DeCardenas -- I intend to refresh his recollection with the photograph that he identified in my office with Mr. Vidal. I just thought I should --

THE COURT: What kind of a spread did you give him?

MR. BELLER: I showed him about 50 photographs that are in this bit white envelope that I have and I asked him to go through them.

MR. PANZER: I am objecting, your Honor, and I will tell you why. I think the best identification is of the person in the court.

THE COURT: He has given an identification of sorts.

MR. PANZER: Yes, and I think that is sufficient.

THE COURT: It seems to me he can identify the photograph out of -- what did he say?

MR. BELLER: That he met him two or three times and he was the first time introduced by Ortega.

MR. ALTER: I would assume the identification must be of the highest order. He is using the photo and hoping to lead him back to this person. That is a circuitous route.

THE COURT: It seems to me it is proper, but I think you are entitled to have a hearing in advance on the photo if you want to.

MR. ALTER: I would so request. I don't think the photos should be used to enforce an in-court failure.

THE COURT: Have you got the spread here.

MR. BELLER: I think I put it on my tray.

Let me see if I can do it another way. I have an idea.

THE COURT: He is entitled to a spread.

(In open court.)

BY MR. BELLER:

Q Dr. DeCardenas, do you recall being interviewed in my office on April 24th this year?

A I was there, yes.

Q And do you recall being shown the individuals introduced to you by Luis Ortega?

A We were talking about it.

Q Do you recall my showing you a group of photographs?

A Yes.

Q Do you recall a discussion about an individual whom you met two or three times?

A Yes, sir.

Q And the individual you indicated to have been introduced to you by Luis Ortega?

A I think that he was introduced by Luis Ortega, but as I told you, and I say now, the best data is written on the chart of every patient, and the chart I don't know if it is in your possession because you are not a member --

Q Do you recall identifying a photograph of that individual?

A I identified the photograph.

Q I will ask you to look around the courtroom again and tell me if that man is in the courtroom today.

A I repeat that the person that looks more familiar to me -- maybe different in the style of hair, you know, but looks that gentleman that is sitting

there.

Q What about that gentleman?

A That it looks to me that he is familiar, that I recognize him, but I cannot affirm.

Q Familiar from where?

A From the photo that you gave me the other day.

Q Where do you remember him and who was the man in the photo?

A I cannot tell the name. If you bring me the photo, I can tell you that this person was once my patient, but this is --

Q I am not inquiring as to the name. I am asking you where you know that man from?

A From my office.

Q And is it your testimony that that --

THE COURT: Just a moment. I prefer you just leave it now.

MR. DELLER: It is still not clear to me exactly --

THE COURT: If it is not clear to you, it is not clear to the jury either, and you can't prove it by leading questions.

Q You said there is a man who looks familiar?

(Jury present.)

F R A N K M A T T, called as a witness by the government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q How are you, Mr. Matt. We met before, is that correct?

A Yes, sir.

Q Will you tell the jury how old you are?

A I was born October 4, 1899. Seventy-five years old.

MR. BELLER: Your Honor, I believe I handed up a copy of --

Q Are you working now, Mr. Matt?

A I am self-employed.

Q What do you do?

A I am a professional masseur.

Q How long have you been doing that?

A Well, most of my adult life, over 50 years.

Q Now, could you tell the jurors some of the places you worked from 1965 through about 1972?

A Well, I would say chiefly at the Berkeley Cartaret Hotel Spa, Ocean Avenue, Asbury Park.

Q And what kind of community is Asbury Park?

A It's a resort, summer resort.

Q Are you familiar with the town called Belmar?

A Yes, sir.

Q How far is Asbury Park from Belmar?

A Possibly six miles, seven.

Q I show you Government's Exhibit 1 in evidence. Do you recognize that photo?

A Yes, I do, sir.

Q Would you tell the jury who the man in the photograph is?

A I cannot recall his name, but he was a regular patron of mine for, I would say, the duration of the entire summer, 10 weeks, 11 weeks.

THE COURT: What year?

THE WITNESS: 1972. I am almost positive.

Q Would you tell the jury the circumstances under which you met him?

A I beg your pardon?

Q Tell the jury the circumstances under which you met him.

A Concerning what?

THE COURT: When you met this man.

A Oh, well, first of all, prior to this man visiting the first time, the place was sort of, I could say, investigated or checked out by another person. Well, he got all the information he wanted, I never did get his name, and he left: "I'll see you later."

Within a week, possibly 10 days, he came and this man including several others. Well, it was a one-man operation and I used to have my hands full. There was, for instance, steam, sauna, whirlpool, showers, gym, the lounge room, massage room and lamp room and lockerroom. So this was the occasion how this man became a regular patron with a number of his associates or friends, whatever they were.

Q Did you talk directly with them?

A Well, it was difficult for me to carry on any conversation. I just was busy. On the other hand, I didn't understand the language that they used.

Q What do you mean by that?

A Well, I thought it was a Latin language. I know it wasn't Italian, so I figured maybe Portuguese of Spanish.

Q Do you speak Spanish?

A Only one or two men spoke. They were sort of Americanized.

Q Let me show you --

MR. BELLER: May I have this marked Government's Exhibit 3538.

(Government's Exhibit 3538 was marked for identification.)

Q Does this refresh your recollection as to the date that you met these individuals?

MR. BELLER: For the record, your Honor, the witness was referring to Government's Exhibit 1, the photograph which was taken.

Q Just the first three lines or so, the first four lines.

A Oh, yes, I would say the lengthy number of years I worked there mostly steady, sometimes limited or, we will say, part time, according to their business.

Q What I asked you was whether it refreshes your recollection as to the year in which you might have met these people.

A I thought it could have been '71, but I'm not sure. It's a little after. I would say '71.

Q Now, you identified this photograph?

A Yes.

Q What was his relationship to the other people, if you can explain that?

A Well, he was -- he also spoke in that language and he was the head man, I would call him, or -- he was the leader or head man, anything you want -- any way you want to describe it.

Q Why would you call him that?

A Because he seemed to give orders. Even for me he gave orders through somebody else who interpreted, told me what this man wanted specifically, if it was satisfactory; if not, I recognized a couple of bad words in that language, and that's about it.

Q Okay.

Mr. Matt, I would like you to, if it is okay with you, if you would step down off the witness stand walk around -- let me just finish a second -- just walk around and look at all the people in the courtroom, here and over here in the box and over here in back, and then resume your seat. All right?

A Yes.

THE COURT: Ask him whether there is anybody he recognizes.

Q Just take a look and see if there is anybody

you recognize from this group of people as the head man.

(Witness walked around the courtroom.)

(Witness returns to witness stand.)

Q Okay, sir. Is there anybody you recognize in this courtroom?

A Well, I think possibly, four, maybe five.

Q Would you point those people out?

A Well, from a distance -- I would have to get closer.

Q You can do that. Put your glasses on.

A I don't think the glasses help me, although I'll try them anyhow.

THE COURT: You can step down and get closer.

(Witness walks around the courtroom.)

Q Which one is that?

A This man on the end.

MR. BELLER: Let the record reflect the witness has identified Mr. White.

MR. BELLER: Mrs.Seltzer, will you put on the record your gesture.

THE INTERPRETER: I just went like this with my hand (demonstrating).

Q Just tell the court and jury if you recognize

anybody.

A I recognize him too.

MR. BELLER: Okay. May the record reflect the witness has identified Mr. Panzer.

MR. PANZER: Let the record reflect that he he said, "Is he a defendant also."

(Witness returns to the witness stand.)

THE WITNESS: Your Honor, I said four or five but it seemed to vanish during that interruption.

MR. ALTER: What was that?

THE COURT: He said four or five but it seemed to vanish during that interruption.

Q I show you --

MR. ALTER: Just a minute, please. May I see what you are showing the witness.

MR. BELLER: He hasn't identified it yet.

MR. ALTER: Is it in evidence?

No objection.

Q Mr. Matt, I show you Defendants' Exhibit A for identification. Have you ever seen that man before?

A Yes, sir.

Q Where have you seen him?

A He is in this -- but I -- that is -- that

is the thing that confused me. I was even thinking maybe a lapse of time or age or something. So it would be most difficult to connect this photo and the person that I thought. That is the only thing I can say truthfully.

Q I am not sure I understand.

THE COURT: Do you recognize that fellow as having seen him?

THE WITNESS: I do in those days, let's say.

THE COURT: In those days you saw this guy?

THE WITNESS: Yes, your Honor.

THE COURT: Where did you see him?

THE WITNESS: At the bar.

THE COURT: Was he with this other guy?

THE WITNESS: He was with -- among the group.

THE COURT: All right.

MR. BELLER: Thanks, Mr. Matt.

This is for identification. At this time the government offers what is marked Defendants' Exhibit A in evidence.

MR. ALTER: Same objection.

THE COURT: What is it a picture of?

MR. BELLER: George Warren Perez.

MR. ALTER: I have no objection.

THE COURT: Received.

(Defendants' Exhibit A was received in evidence.)

BY MR. BELLER:

Q Mr. Matt, do you recall coming to my office some time last month?

A Yes, sir.

Q Did I show you a group of photographs?

A Yes, sir.

MR. BELLER: May we approach the side bar?

(At the side bar.)

MR. BELLER: There are two reasons. I think the jury should know there was a reason why the witness was called.

THE COURT: He failed to identify the individual. They don't have to know why he was called.

MR. BELLER: I believe the jury has a right to know he identified the photograph.

THE COURT: I don't think so.

MR. BELLER: He is available here for

cross examination.

MR. ALTER: Your Honor, the highest order of identification was the one just undergone by the witness.

MR. BELLER: No question about it.

THE COURT: He failed to identify him.

MR. BELLER: It is a prior inconsistent statement.

THE COURT: No. The photograph may look like a guy and it may not be the guy. It is the guy that is important.

MR. BELLER: It seems inconsistent.

THE COURT: It isn't. The photograph may not be a good photograph of the individual.

MR. BELLER: I can show it to the court and the court can judge.

THE COURT: No. Unless you can show me a case, I don't think that is right.

(In open court.)

Q Mr. Matt, did there come a time when you went for a drive with the man identified in the red sweater?

A Pardon me?

Q Did there come a time when you went for a

THE COURT: But were you sure at the time of the testimony?

THE WITNESS: I saw his face, I am not sure where, there or --

MR. BELLER: I can't hear.

THE WITNESS: I saw his face. I don't remember if I seen him inside the place or noti

Q You identified him in the prior proceeding as the man you saw with Luis Ortega?

A Yes.

Q Did you identify him as the man you saw with Louis Ortega at Eva Levy's house of prostitution?

A Yes.

Q Was that on East 64th Street?

A 74th.

Q East 74th?

A Yes.

Q Did you testify in the previous proceeding you had seen Stanzione with Ortega on four or five occasions?

A I don't remember testifying, sahing that.

Q Does this refresh your recollection, reading from page 1576:

"Q On about how many occasions did you see the defendant Ortega at that address?

"A Both of them?

"Q No, let's talk about the defendant Ortega for the moment. About how many occasions did you see him at that time at that address?

"A About once a week.

"Q For how long?

"A Almost a year.

"Q Did there come a time when you knew his name?

"A Louis Plaza.

"Q On how many occasions did you see the defendant Stanzione at that address?

"A Maybe four or five times.

"Q During the year 1970?

"A Yes.

"Q Did Mr. Stanzione come to that address, did he come with Ortega?

"A Yes."

Does that refresh your recollection as to your testimony in the previous proceeding?

A Yes.

Q Did you give that testimony?

A Yes, I did.

Q Did you say that Stanzione would come with

country, maybe French or something. The only one I really know was Luis. He would bring friends but I didn't pay any attention to his friends. I was there to take care of what I took care of and that was all.

Q I ask you to look around the courtroom and see if there is anyone present today in the courtroom whom you recognize. Look carefully, look at their faces.

THE COURT: Do you recognize anybody?

THE WITNESS: Yes, I do.

THE COURT: Who do you recognize?

THE WITNESS: The man sitting behind the man with the gray suit.

Q What is he wearing?

A Black sports coat.

THE COURT: With the tie or without the tie?

THE WITNESS: Without the tie.

MR. BELLER: May the record reflect that the witness has identified the defendant Vidal.

Q Where did you see him?

A I could have seen him there, I am not sure. I identify his face but I am not sure.

Q Pardon me?

A I identify his face but I am not sure.

Q You identify his face from where?

A I had seen him at Eva's. Anyone I see with Luis was inside Eva's. The one I seen was at Eva's.

Q Did you see this man with Luis?

A He looks familiar, yes, there.

MR. BELLER: No further questions.

CROSS EXAMINATION

BY MR. ALTER:

Q Miss Casselman, I don't mean to embarrass you by my questions.

When was the last time you saw the man you just said looked familiar?

A Maybe 1968.

Q Do you remember when you were in this building last year, in May 1974?

A Yes.

Q Do you remember being asked by the prosecutor the same question he asked you today, whether or not anyone in the courtroom looked familiar to you?

A Yes.

Q Was this man whom you saw whom you say is familiar present?

A I am almost sure he was present.

Q You are almost sure?

A I don't remember.

Q Just faces to you, aren't they?

A No, not just faces. He looks like he was there. I mean, I have seen him.

THE COURT: The question was was he in court a year ago.

THE WITNESS: No, I am not sure.

Q Do you remember failing to identify this man a year ago when asked the same question?

A No, I don't remember.

THE COURT: I assume the record will reflect what happened.

MR. ALTER: I will ask time to research the record or ask for a stipulation.

MR. BELLER: We will stipulate in court there was no identification in court.

THE COURT: He was not in court?

MR. ALTER: He was present and looked at and not identified.

THE COURT: In other words, the same procedure happened, Mr. Vidal was here and he wasn't identified, is that it?

MR. BELLER: She was asked that question and identified Ortega and Stanzione.

THE COURT: And not Mr. Vidal?

MR. BELLER: Just those two. Pointed out those two.

THE COURT: In other words, it is possible I assume that you are identifying him from having seen him a year ago?

THE WITNESS: No, sir. I was showed pictures when I first came here and identified him.

Q In Miami?

A Yes.

Q That is about three or four years ago?

A Yes. I saw his picture and another picture I identified and told them then I wasn't sure.

Q After that having failed to identify him last year now you are sure?

A I didn't say I was sure now.

Q You just said he looked familiar?

A Yes, by being there, yes.

Q Does he look familiar as a customer or a friend of Plaza's?

A A customer.

Q But not necessarily a friend of Juan Plaza's?

A No, not correct. Because they were special people that went there, that is all.

Q Did you ever see him in the company of Juan

Plaza?

A I am not sure of that.

MR. ALTER: No other questions.

REDIRECT EXAMINATION

BY MR. BELLER:

Q After your testimony last year did you have a conversation with Agent Pavlick and Assistant United States Attorney Cooney with respect to the identification?

A Excuse me?

Q After your testimony last year, in May of 1974, when you were finished testifying, did you have a conversation with Agent Mike Pavlick and Assistant United States Attorney John P. Cooney with respect to an identification?

A After I was in court?

Q Yes.

A No.

Q When you left the stand, finished testifying last year, you talked to Mr. Cooney and Mr. Pavlick about another person who was present in court, this man you say you are not sure?

A Yes, I said he looked like -- he looked like the man that was with Plaza downstairs when they came in one night but he was there with three or four people with him and I didn't pay no attention to anyone. The only

one that accents me was Plaza because he talked to me, because I don't pay attention until we go upstairs and that is it, I go ho me.

Q At the time you spoke to Mr. Cooney and Mr. Pavlick what did they say?

THE COURT: I don't think what they said is permissible.

MR. BELLER: No further questions.

MR. ALTER: No questions.

THE COURT: Thank you.

(Witness excused.)

MR. BELLER: The Government calls Rinaldo Irizarry.

The Government offers 77-A in evidence.

MR. ALTER: Same objection.

THE COURT: Received.

(Government's Exhibit 77-A for identification was received in evidence.)

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MR. BELLER: Could I be furnished with it?

MR. ALTER: Absolutely.

MR. PANZER: I just want the Court to know that I have something on in 506 on Monday with respect to a defendant who is incarcerated. She is being brought down from Rikers Island and it doesn't appear that she will be here brfore eleven o'clock and I wonder if we could take a break around eleven.

THE COURT: We will take a break at some point and you can go down there. Maybe we can check with the judge in 506 and give the clerk the name of the case.

MR. BELLER: Your Hono r, I have a folder, Government's Exhibit 4 and these are the Spanish documents, the conviction record.

THE COURT: Let us get that.

MR. BELLER: One of these is a letter and I really don't believe that is admissible but I enclose it because the translation is there and maybe it will be helpful.

The second is a certified document relating to a pretrial detention, preventive detention it is in Spanish and the other is a judgment of conviction and they are dated and that is what I am interested in.

I would be prepared to offer the exhibits with

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everything redacted except for the dates and this is offered to establish Mr. Vidal was present in Barcelona. The letter established that he was really arrested February 22, 1968.

The judgment of conviction and the incarceration have him there some time In March is my memory.

THE COURT: What is your theory as to their admissibility?

MR. WHITE: We challenge the authenticity of the documents and, of course, the way these documents were procured --

THE COURT: Could I look at them a minute?

MR. WHITE: It is not the proper way of introducing foreign documents into court.

MR. BELLER: May I explain what I think the order of notarization there is? I think there is a notarization by the Clerk of the Court in Spain that there are such documents, these are copies of documents in the file.

Then there is a notarization by a Notary Public who says that the signature of this first person, I know it is his signature of the man he says he is.

Then the third one with the ribbon and the red stuff in English is the foreign American consular official

who says I know the signature of the second person and he is who he says he is. I believe that complies with the rules.

MR. WHITE: I contend that the Notary is not the proper party to authenticate a Clerk's signature or the record submitted herein.

As an example, I couldn't as a lawyer practicing as a member of the bar authenticate the signature of the Clerk of the Court, United States District Court in the Southern District of Florida.

THE COURT: The statute must specify as to what you can do.

MR. WHITE: The cases are specific, and even the case that Mr. Beller submitted to the Court's attention, in that particular case there was certification of a foreign Government official document that had to be certified, one by the Consular General and the Ambassador who had to certify the Counsel General's signature and the Department of State had to certify that that was the Ambassador's signature.

THE COURT: Have I got a memorandum on this?

MR. WHITE: I submitted a memorandum.

THE COURT: All right, I will study them.

Now, if I rule these are admissible, then we can

proceed in the same way and stipulate that we have documents which establish Mr. Vidal was in Spain on such-and-such a date without showing what those documents are.

MR. WHITE: It is highly prejudicial to put the documents in from Spain.

THE COURT: I am ruling against it by my stipulation that instead there are documents available to establish that Mr. Vidal was in whatever it was to be established and we have the dates.

That will not waive your objection to the ruling.

MR. ALTER: Fine, your Honor.

MR. BELLER: As to the film, the film is available and it could be shown today. Counsel informs me that they prefer some time on Monday.

THE COURT: If you got it why don't you see it today? Monday we are going to be working.

MR. ALTER: I will be here early and stay late. I will advise the Government, any time on Monday. I will stay late or skip lunch.

THE COURT: How long does it take?

MR. BELLER: I haven't seen it yet. I don't see how I can -- I am not going to skip lunch but I could probably do it Sunday or --

73 Cr 994

jwa

UNITED STATES OF AMERICA

vs.

ANTONIO BORREGO VIDAL et al.
MANUEL UZIEL

CLERK'S COPY
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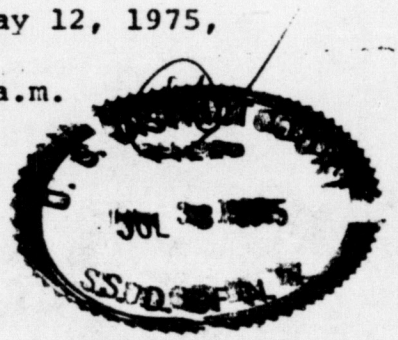
ROOM 803 FOR FILING

New York, May 12, 1975,

10:00 a.m.



Trial resumed.

- -

(In the robing room.)

THE COURT: Good morning, gentlemen.

As I told Mr. White -- I forgot to tell you Friday -- tomorrow we are going to break at 12 noon to 1:15.

MR. BELLER: We will have a full day?

THE COURT: Yes, we will have a full day. We will break at 12 noon to 1:15.

MR. WHITE: I thought that was such a great gesture, your Honor, when you called me. I just arrived from the airport.

THE COURT: Off the record.

(Discussion off the record.)

THE COURT: On the record. I sustain the objection to 4A, but overrule the objection to 4B

and 4C and allow them in evidence, with an exception to the defendants.

(Government's Exhibits 4B and 4C were received in evidence.)

THE COURT: As I told you at the time, you may stipulate to the facts established by those exhibits without waiving your exception to allowing them in evidence and therefore get before the jury the fact that he was in Spain on the days indicated without showing his arrest or whatever else those exhibits show.

MR. ALTER: Subject to your ruling we would enter into such a stipulation, your Honor.

THE COURT: Is there anything else before we call in the jury?

MR. WHITE: On the stipulation on the testimony of the moneys given to someone, I think Mr. Beller has agreed --

THE COURT: Wait a minute. While I think of it, I find that I was in error in excluding the fact that the government asked for a million dollars bail, or whatever they did ask for. If you still press on that, I will arrange a way of getting it before the jury. However, I may point out I think it is harmful to you.

A I placed them in this book here I believe the next day.

Q In whose custody did these remain?

A Remained in my custody and also in the custody of the DEA non-narcotic evidence vault.

Q Thereafter were they delivered to the United States Attorney's office?

A They were.

Q With respect to 78, whose initials appear on the bottom of the notation 1021 Kennedy Boulevard?

A Those are my initials and the date.

MR. BELLER: The Government offers 78, 79 and 80 in evidence.

THE COURT: Any objection?

MR. ALTER: Objection as to relevancy, your Honor.

THE COURT: Received.

(Government's Exhibits 78, 79 and 80 for identification were received in evidence.)

MR. ALTER: Can we have a moment to examine this? I would appreciate it.

THE COURT: Yes. You can proceed.

Q In your capacity as case agent, did you ever have occasion to go to a bank in Fort Lee, New Jersey?

A Yes, I did.

Q Was that approximately in November 1973?

A Yes, it was.

Q Did you make inquiries with respect to a safe-deposit box number 1233?

A Yes, I did.

Q What happened at the bank with respect to that box?

A With respect to that box we had the bank drill that box open since it was an inactive box at that time.

Q Was the box drilled open?

A It was drilled.

Q Did you see what was inside?

A Yes.

Q What?

A Nothing.

Q In a prior proceeding in May of 1974, did you have occasion to meet a woman named Sandra Casselman?

A Yes.

Q Were you aware she testified at that proceeding?

A Yes.

Q Subsequent to her testimony did you have a conversation with her?

A Yes, I did.

Q Did you have a conversation with respect to one of the defendants?

A Yes, I did.

Q Will you tell the jury what you said at that time?

A It was just after she had testified and I was in the witness room --

MR. ALTER: I object to this as being hearsay.

THE COURT: No, I think this is admissible -- I won't explain why, I think it is admissib le.

Q Go ahead.

A I had a conversation with her in the witness room which was adjacent to the courtroom. She told me she recognized one of the defendants at the defense table.

I asked who it was and she said it was Green Eyes and I proceeded to ask her --

THE COURT: Don't say what you told her, just what she said to you.

A She told me she remembered him. She did not recognize him from the photo which I had showed at a previous occasion and he was present with Luis at the house of prostitution where she was working.

Q Did she indicate which defendant was Green Eyes?

A She pointed him out to me as the defendants left

the courtroom that day, yes.

Q Pardon?

A She pointed him out as the defendants left the courtroom that day.

Q Who did she point out?

A Borrego Vidal.

THE COURT: This is only admissible not for the truth of what she said but to explain to the extent you think it does explain the testimony brought out on cross-examination to the effect that she hadn't recognized Mr. Vidal in court the last time she was here.

Q In July of 1973 did you have occasion to interview the defendant Manuel Uziel?

A Yes, I did.

Q Did you have a conversation with him with respect to an automobile?

A Yes, I did.

Q Will you tell the jury what you said and what questions you asked him and what his response was?

A I asked Mr. Uziel if he had at any time abandoned a car for Luis Ortega in New Jersey, to which Mr. Uziel said yes he did.

Q Did he indicate the date and time?

A He told me at that time it was some time in

A No, not directly, except he was working with Ortega at that time.

Q He was with Ortega and --

MR. BELLER: There is nothing inconsistent about that. It is not proper testimony.

MR. PANZER: I have no further questions. Thankyou.

MR. ALTER: One more brief question.

BY MR. ALTER:

Q Agent Pavlick, Mr. Panzer asked you about a series of surveillances during the period September 15th. Do you rely on the same answers you gave during the time period you were on surveillance? Did you have occasion to observe the defendant Vidal on any of those occasions?

A No, I did not.

MR. ALTER: That is all.

REDIRECT EXAMINATION

BY MR. BELLER:

Q Exhibit 3509 is a report?

A Yes.

Q Whose report?

A It is my report.

Q Do you still have a copy of it up there?

from him in the name of Santos Hernandez and then I took some papers with just personal effects with numbers on them.

Q Did you give those to Agent Pavlick?

A Yes, I did. Agent Pavlick was in charge. He was in the group handling the case and I turned everything over to him.

MR. BELLER: No further questions.

CROSS EXAMINATION

BY MR. ALTER:

Q Mr. Stromfeld, during the period of time that you were engaged in the particular surveillance up to the arrest, did you ever have occasion at any time to observe the person of the defendant Vidal as being with any of the people you have named?

A Which one is Vidal, sir?

(Indicating)

Q Have you ever seen him before today?

A I don't remember if he was there or not. There were a lot of people. They were letting out the rodeo and I don't know, he could have been standing around. I don't know.

Q You never identified him on any prior occasion as having been present during any of your surveillance,

A I set up surveillance on Madison Avenue with a view of the front entrance of the hotel and at approximately 8 o'clock I saw Mr. Orsini and another man come out of the Alrae Hotel, walk towards Madison Avenue and walk directly in front of my car and walk south on Madison Avenue until they were lost from my view.

Q I show you Government's Exhibit 1 and ask you if you can identify that individual.

A Yes, I can.

Q Who is it?

A That is Luis Ortega.

Q When did you see him for the first time?

A I saw him as he came out with Mr. Orsini from the Alrae Hotel and passed in front of my car.

MR. BELLER: I have no further questions, your Honor.

CROSS EXAMINATION

BY MR. ALTER:

Q Agent Moriarity, during the surveillances that you have detailed in your testimony did you ever have occasion to observe the defendant Vidal in the company of any of these people about whom you have testified?

A No, I didn't.

CROSS EXAMINATION

BY MR. ALTER:

Q Agent Quarequio, as case agent you had access to all of the reports of your men in the field, correct?

A Yes, sir.

Q And in reviewing those reports and utilizing your own knowledge in the case, is there any mention at any time during the surveillance of either the Jaguar or the individual participants involved with this contraband wherein anyone observed the defendant Vidal?

A No, sir, not within the original Jaguar case file.

Q It is a fact, is it not, that the first time he appears is approximately six days after --

MR. BELLER: Your Honor, I object to this.

THE COURT: I will allow it.

Q It is a fact, is it not, that the first time he makes any appearance in relation to these other individuals is approximately six days after the arrest of the three men with the Jaguar, correct?

A I am sorry. I didn't follow your question. Could you repeat it?

Q When was the first time that he is observed

Q Now, you are a French citizen, is that correct?

A Yes.

Q And you are a Swiss citizen as well, is that right?

A Yes, also.

Q Between 1969 and 1972 how did you earn your living?

A With drugs.

Q When you say with drugs, what do you mean by drugs?

A Heroin.

Q And --

A Yes, I trafficked -- I worked in heroin -- with heroin.

Q Was that traffic of heroin, drug traffic?

A Yes.

Q And from where to where did you traffic in heroin?

A From France and Europe to the United States.

Q Now, who was the source of that heroin?

A Albert Jaume, Joseph Patrisei and Jean Paul Ordioni.

Q Where did these men, Jaume, Patrisei and

Ordioni live?

A In France.

Q And where in France?

A One in Nice and one in Marsailles.

Q Were you assisted in this drug traffic?

THE INTERPRETER: Excuse me. Would you repeat that?

Q Were you assisted, did you have assistance, in this drug traffic?

A Yes.

Q Who was the main person with whom you worked in bringing the narcotics to the United States?

A Patrazzi, Giaume and Jean Paul Orsini.

Q Who is the person with whom you worked closely in bringing heroin into the United States?

A My brother Maurice.

Q Mr. Schoch, will you explain to the jury what the general pattern was that you followed in bringing heroin into the United States?

A Yes, I will.

Q Will you do that, please?

A The three names I mentioned before came to me and told me that they knew people with cars.

MR. BELLER: I ask you to stop him to translate each phrase and then let him continue.

Q Now, I asked you about the general pattern that you followed in bringing drugs to the United States by this group.

Will you explain to the jury, please?

A In cars.

Q How is that done?

A Patrazzi had people at hand who took these cars over and gave the address of these people for me and my brother to cobtact them once over here.

MR. BELLER: May I approach the side bar?

(At the side bar.)

MR. BELLER: This is not adequate because there are words and things being left out --

THE COURT: What is the importance of what is being left out?

MR. BELLER: He left out a name just now for instance.

MR. WHITE: It is his interpreter.

THE COURT: You understand French?

MR. WHITE: This man is terrible as far as that is concerned.

THE COURT: It seems to me if he misses something you can call his attention to it as a witness would.

MR. BELLER: That looks very bad. We have none available but I will ask the witness to speak up and the jury should see him and I understand French reasonably well.

THE COURT: If he misses something just call his attention to it.

MR. WHITE: If they would move his chair a little more to the front we could catch more of what he hears.

(In open court.)

BY MR. BELLER:

Q Now, Mr. Schoch, I want you to speak up so that I can hear everything that you say.

THE COURT: Maybe if you want him to keep his voice up you can have the interpreter stand next to you. You can have the interpreter stand next to you and repeat your question the same way you do and he will answer them.

It is humanly impossible to have him stand next to the witness and ask questions and have him talk so everyone can hear him.

MR. BELLER: Let's proceed this way. I will instruct the witness to keep his voice up.

Can we have the last question and answer read, please?

(Record read.)

Q Will you explain to the jury how the heroin was placed in the cars in Europe?

A Giaume and Patrazzi did the job of hiding the heroin in the cars.

Q Now, when the cars were brought to the United States would members of your group come to the United States?

A Yes.

Q Tell the jury the name of the people who were in your group?

A Jeannot Surragto, Marcel Surragto, Roch Orsini, Jean Orsini, Nedo Pedri.

Q Now, do you know the relation between Roch and Jean Orsini if any?

A Associated with me and my brother.

THE COURT: Tell him he wants to know the relationship between the two, are they brothers, cousins, aunts or uncles? What are they?

A We worked together.

Q The only question I am asking at this moment is what is the relation between Roch and Jean Orsini?

A They are two brothers.

Q What did your group do in New York?

A We received the people who came here with the cars and the heroin.

Q And then?

THE INTERPRETER: This man has a very strong south French, Marseilles accent which I am very happy when I understand it over here because it is difficult to hear it all here, your Honor.

THE COURT: Come back up here.

A We received the merchandise and the people that got cars with the heroin. The buyer over here kept certain garages at our disposal where we could unload the

merchandise.

Q Would you do that?

A Yes.

Q What happened after the heroin was unloaded?

A The buyer gave us money which we put the money in the cars and the people that brought the cars over took them back to Europe.

Q What would happen to the money in Europe?

A The money was distributed to the three names you heard, Patrazzi, Giaume and Orsini and they divided up our share for each of us.

MR. BELLER: Mr. Interpreter, instruct the witness to speak in short phrases and allow the interpreter to translate.

THE INTERPRETER: Yes, he agrees.

Q Do you recall how many shipments your group made to the United States between 1969 and 1971?

MR. ALTER: Objection.

May we approach the side bar?

A Four.

THE COURT: Objection overruled.

MR. ALTER: May the interpreter be instructed as to the significance of an objection?

THE COURT: When he gets up and objects hold the

Q Your brother's name is Maurice?

A Yes, that is right.

Q Maurice, for the record?

A Maurice.

Q I show you Government's Exhibit 78 and ask you if you recognize anyone in that exhibit?

A Yes.

Q Who?

A Jean Orsini.

Q Will you mark an X?

A (Witness complies.)

MR.BELLER: He identified the individual identified as Jean Orsini.

Q Do you recall the next shipment, the second shipment?

A Yes.

Q How many cars were involved in that shipment?

A Two cars.

Q What kind of cars were they?

A One Fiat and one Citroen.

Q Who brought those cars to the United States?

A One I brought myself, mine and the other one Rafael Riposo.

Q Which car did you bring?

answer until I rule on it.

THE INTERPRETER: Yes, your HOnor.

Q Now, do ycu recall the first shipment?

A Yes.

Q How many cars were involved in the first shipment?

A One car.

Q What kind of car was it?

A An Accadian car.

THE COURT: Is that the name of a car?

Q What was the quantity of heroin shipped in the Accadian?

A 42 kilos.

Q Do you recall approximately when that car was shipped to the United States?

A Between August and November 1969.

Q Who arranged for that shipment in Europe?

A The gang of Germany who are Patrazzi and Giaume.

Q Who else was involved?

A My brother Maurice, Jean Surragto, Marcel Surragto, Roch Orsini and Jean Orsini and Nedo Pedri.

Q Who came to the United States in connection with that car from your group?

A My brother Maurice, Jean Surragto and Marcel Surragto.

A In the Fiat.

Q How much heroin was involved in the shipment concerning those two cars?

A 40 kilos in the Fiat and 80 in the Citroen.

Q Do you recall approximately when it was that shipment came to the United States?

A Yes, between April and June, 1970.

Q Who from your group came to the United States in connection with that shipment?

A Jean Surrayto, Nedo Pedri and myself.

Q Do you recall the next shipment, the third shipment?

A Yes.

Q How many cars were involved in that shipment?

A Three cars.

Q What kind of cars were they?

A Two Fiats and one Citroen.

Q Who brought over the cars?

A One Fiat, George Dumoing.

Q Will you spell the last name, please?

A D-u-m-o-i-n-g.

Q Which car did he bring in?

A One Fiat.

Q Who brought in the second Fiat?

A Hugette Boyar.

Q Who is Hugette Boyar?

A The wife of my brother.

Q Did she have an apartment in Europe?

A Yes.

Q Which city?

A Nice.

Q Nice is in France, is that correct?

A Yes.

Q How much heroin was involved in this shipment involving those three cars?

A 50 kilos for each Fiat and 80 to 90 for the Citroen.

Q Do you recall approximately when that shipment came to the United States?

A Between July and September, October, 1970.

Q Who was in the United States from your group for that shipment?

A My brother Maurice, Jean Surragto.

Q Do you recall the next shipment?

A Yes.

Q How many cars were involved in that shipment.

A Two Citroen cars.

Q How much heroin was involved in that shipment?

A Between 80 and 90 kilos per car.

Q Do you recall when that shipment came to the United States?

A The end of December 1970 and about halfway through January, 1971.

Q Who from your group was in the United States in connection with that shipment?

A My brother Maurice, Marcel Surraqto.

Q Did you have a sister here?

A Yes.

Q What is her name?

A Denise.

Q Do you know if she was in the United States at that time?

A Yes.

Q You met with her, is that correct?

A Yes.

Q Do you recall the next shipment?

A Yes.

Q How many cars were involved in that shipment?

A Two cars.

Q What kind of cars were they?

A Two Citroens.

Q How much heroin was involved in that shipment?

A 220 kilos between the two cars.

Q What happened to that shipment?

A One was stopped in Valencia, Spain and one in Puerto Rico.

MR. BELLER: Did he Spain?

THE INTERPRETER: Yes, in Spain.

Q Do you recall approximately when that shipment was?

A Between March and May, 1971.

Q Do you recall the plans for the next shipment?

A Yes.

Q What kind of shipment was that to be?

A Truck with a racing car.

Q How much heroin was to be in the truck with the racing car?

A 100 kilos.

Q And when was that shipment to come to the United States?

A Between June and July, '71.

Q And who from your group was to come to the United States in connection with that shipment?

A John Dumoing.

Q Anyone else?

A He who was already here and with him was his sister Denise.

Q You had another shipment in 1972, is that correct?

A Yes.

Q And another shipment in 1974, is that correct?

A Yes.

Q In the shipments between 1969 and 1971, how many times did you come to the United States?

THE INTERPRETER: He repeated the dates between '69 and '71. I said, "Yes, sir."

A Three times.

Q When you came to the United States, what name did you use?

A My own, mine.

Q That is to say, Claude Schoch, is that cor-

rect?

A That is it.

Q To your knowledge, when your brother came to the United States, did he use his own name?

A No.

Q What name did he use?

A Maurice Vandelli.

Q V-a-n-d-e-l-l-i?

A That is it.

Q Could you explain to the jury why you used your real name and your brother used a different name?

A Because I can travel with my name, but my brother can't travel with his name.

Q Explain to the jury why your brother could not travel with his name?

A He had trouble in France.

Q Well, what is the connection between his trouble and his not using his real name?

A His name is known and he cannot permit himself to travel with his true name.

Q Was the problem that he had with the police authorities?

A Yes, problem with the police.

Q Was he wanted by the French police?

A I think so.

Q Marcel Surraqato, did he use his true name or a false name when he came to the United States?

A An assumed name.

Q And what name was that?

A Capasso, C-a-p-a-s-s-o.

MR. BELLER: Mr. Interpreter, let me ask him to spell it.

THE INTERPRETER: I will be very happy.

A Capasso.

Q Is that C-a-p-a-s-s-o?

A I think so.

Q And Jean Surraqato, did he use his true name or a false name when he got to the United States?

A Another name.

Q And what name did he use, if you know?

A Antoine Muzzi.

Q Do you know how to spell Muzzi?

A M-u-z-z-e.

THE INTERPRETER: "i" in English. Sorry.

THE COURT: M-u-z-z-i?

THE INTERPRETER: Yes, your Honor.

Q You mentioned, you testified earlier, that

the buyer arranged for homes with garages for the dismantling of the car. Where were those homes and garages, if you know?

MR. BELLER: Would you translate one at a time, please?

THE INTERPRETER: Is this supposed to be in the United States, the names he gives me?

MR. BELLER: Ask the witness, Mr. Interpreter. Just translate exactly what he says.

A One house in Belmar, another on the Lake Hopatcong, another at Teaneck and another one in North Bergen.

Q Was there any other places that you stayed when you were here in connection with heroin?

A No.

Q I show you Government's Exhibit 1 in evidence.

A Yes.

Q Can you identify the individual in that photo?

A Yes.

Q What is his name?

A Luis Ortega.

Q And who is Luis Ortega?

A Our buyer.

Q Would you tell the jury the price that Luis Ortega paid for heroin?

MR. ALTER: Objection. Immaterial.

THE COURT: Overruled.

You can ask him.

THE INTERPRETER: Thank you, your Honor.

A $9000 per kilo.

Q Mr. Schoch, directing your attention to the racing car shipment, would you tell the jury how the heroin was to be transported to the United States?

A The truck was to be shipped from Marseilles on the Queen Elizabeth.

THE INTERPRETER: I'm sorry. I apologize.

A From Le Havre on the Queen Elizabeth.

Q Where is Le Havre?

A In France.

Q Go ahead, continue.

A I received a letter at the home of my sister Denise here in New York, from my brother --

Q Let me interrupt at this point.

I would like you to explain to the jury the plan for bringing the heroin in with the racing car. Where was the heroin to be kept?

A Underneath the bottom of the truck.

Q When the truck and the racing car came to the United States, what was to be done with the racing car?

A The buyer had indicated to me a garage where we should take the truck to unload the heroin.

Q And --

THE COURT: The question is, what was to be done with the racing car?

THE INTERPRETER: He didn't answer it, your Honor.

MR. BELLER: That is all right. Just translate what was said.

Q The question is, what was to be done with the racing car?

A A race.

Q Do you know where?

A Watkins Glen.

Q Did there come a time when you came to New York in connection with that shipment?

A Yes.

Q And did your sister also come to New York around the same time?

A My sister too.

Q I show you Government's Exhibit 47. Can you identify the cards in that exhibit?

A Mine and my sister Denise's.

Q Does your handwriting appear on any of those cards?

A Yes, on this one.

MR. BELLER: Indicating the firstcard.

THE WITNESS: Yes.

Q Do you recognize your sister's handwriting?

A I think that is hers.

MR. BELLER: For the record, indicating the second card.

MR. BELLER: May I have the witness indicate the date, or shall I give the date?

THE COURT: You can give the date.

MR. BELLER: These are already in evidence. The witness, Claude Schoch -- I think perhaps it is best to translate this -- the date of entry is indicated as July 15, 1971; and Denise Schoch, the date of entry is indicated as July 4, 1971.

Q When you arrived in New York,what did you do?

A When, at what time?

Q When you arrived in New York, where did you stay?

THE COURT: Are you asking him about this particular time?

MR. BELLER: Yes, let me rephrase the question.

Q When you arrived in July of 1971 to New York, what did you do?

A I went to a hotel.

Q And what did you do after that?

A I joined my sister afterwards.

Q And where did you join her?

A She had rented a house in Rockville Centre.

Q And what did you do next?

A After that I went to the rendezvous appointment that I had with the buyer.

Q And who was that buyer?

A Luis Ortega.

Q Was Ortega the buyer for all the shipments that earlier described?

A Yes.

Q Where did you see Ortega?

A Belmar. In the house at Belmar.

Q And did you see anyone else there?

A George Warren.

Q And with whom did you go to Belmar?

A With my sister Denise.

Q What did you do at Belmar?

A I informed them that 100 kilos of heroin were about to arrive.

Q What did you do next?

A And then he rented a big garage to receive the truck. He showed me the way to get there because it was very complicated to reach this garage.

Q Do you know where that garage is?

A Yes.

Q Where?

A Outside of New York.

Q Incidentally, do you know what state Belmar is in?

A No.

Q Did you go to the garage?

A Yes.

Q And what did you see there?

A The garage was suitable to receive the truck with the racing car?

Q How large a garage was it?

A Very big, very big.

Q How much time did you expect to wait until the arrival of the racing car?

A Not very long; a few days.

Q And during the few days -- did you wait those few days?

THE INTERPRETER: Excuse me. May I have it again?

MR. BELLER: I'm sorry.

Q Did you wait those few days?

A Yes.

Q And during the few days you were waiting did you have occasion to take trips with Luis Ortega?

A Yes.

Q With whom else did you go?

A His wife.

Q Anyone else?

A My sister and George Warren.

Q Did you learn the name of his wife?

A Suzanne.

Q Where did you go with these people you just mentioned?

A We went and spent a weekend in a house somewhere in the woods.

Q Do you have any idea where it was?

A No. Far from New York.

Q I show you Government's Exhibits 40 and 41 and I ask you if you can identify any of those exhibits.

A It has a resemblance, but I couldn't affirm it definitely.

THE COURT: Has a resemblance to what?

THE WITNESS: With the house in the woods where I spent the weekend, your Honor.

MR. BELLER: These are photographs previously identified by George Warren Perez as the home he had.

Q You testified that 100 kilos of heroin were expected in the truck and the racing car, is that correct?

A That's right.

Q What was the total amount of money to be paid by Ortega for the shipment?

A $9000.

Q $9000? The sum.

A I beg your pardon. I misunderstood. $900,000.

Q Did there come a time when you arranged with Ortega the payment of that money?

THE INTERPRETER: May I have that question again, please?

Q Did there come a time when you arranged with Ortega for the payment of that money?

A Yes.

Q And what happened?

A He went to fetch half of it, $500,000.

Q And what happened with respect to that?

MR. BELLER: Please interpret.

A I accompanied him, I waited for him in the car. He went to get $500,000.

Q Where did he go?

A In New York.

Q How do you know it was New York?

A Because it was in town and I recognized some buildings.

Q What kind of buildings?

A I recognized the heavy traffic and the big bank in the proximity near.

Q Had you been to the vicinity before in New York?

A Yes.

Q The hotel that you stayed in when you arrived in New York, where was that?

A Either the Plaza or the Americana or the Hilton.

Q What happened when you accompanied Ortega to the bank in New York?

A He came back with the money and we returned to Belmar.

Q What did you do in Belmar?

A We counted the money and we packed up the money.

Q How much money was there?

A $500,000.

Q And who was there counting the money?

Q Myself, my sister Denise, possibly George Warren.

Q How was the money packed?

A In packing paper kept -- closed by Scotch tape -- with Scotch tape.

MR. BELLER: I'm sorry.

THE INTERPRETER: With Scotch tape.

THE COURT: How far was this bank from the home where they counted the money?

THE WITNESS: About 160 kilometers.

THE COURT: What is that in miles?

MR. BELLER: About 100 miles.

THE INTERPRETER: Ninety to 100 miles, your Honor.

THE COURT: A hundred?

THE INTERPRETER: Yes.

Q What happened to the money when it was -- when you finished packing it?

A He kept the money. This was simply preparatpry work to make it easy for us to put the money in the truck once it got here.

Q And what would have happened to the money at that point once it came?

A We would have taken the heroin out, we would have put the $500,000 which we had prepared where we found the heroin. He would then give us the missing $400,000 and I would do the same kind of work and put it in the truck.

And so the truck would then leave fairly quickly.

Q For where?

A To run the race at Watkins Glen.

Q Where was the truck with the money to have gone?

A It would go to Watkins Glen because it was a special truck to service racing cars.

Q I see. And ultimately where would it have ended up?

A It would return to Europe. The truck would return to Europe.

Q Did there come a time when you received a message concerning the racing car from Europe?

A I received a letter to my sister's home informing me that the truck and the racing car and not been able to be shipped from LeHavre and therefore the deal was off.

THE COURT: Didn't he say that letter came from his brother?

THE INTERPRETER: I will ask him, your Honor.

THE WITNESS: Yes, your Honor.

Q What did you do when you received the letter?

A I returned to Europe.

Q Did you have any conversation with Ortega after you received the message?

A I explained to him that the trip had been cancelled.

Q What happened to the money?

A Of course he kept it.

Q Where was your brother while you were in New York?

A In Nice.

Q And where was he staying in Nice?

A With his wife.

Q And who was that?

A Hugette Boyer.

Q Incidentally, on this trip did you ever inspect the car at Rockville Center?

A Yes.

Q And would you explain to the jury what you did with respect to that car? Where did the car come from?

A It was the car of my sister Denise. Before we left Europe we tied some hair with Scotch tape in hiding places inside the car because we had been told that the car -- a car got to New York at least seven customs officers tore the car apart. My brother and I wanted to check on that. That is why my sister came with her Fiat dar to New York.

Q Did you inspect the car? Did you inspect the hair?

A Yes.

Q Had they been disturbed?

A Everything was as placed.

Q You also testified you were in New York in

connection with a second shipment in your Fiat, is that correct?

A Yes.

Q And there was a second car brought in by Rafael Capasso, is that correct?

A My Fiat and the Citroen of Capasso.

Q Where were those cars unloaded?

A Lake Patcong?

Q Is that Hopatcong, H-o-p-a-t-c-o-n-g, if you know?

THE INTERPRETER: He doesn't understand the English alphabet.

Q H-o-p-a-t-c-o-n-g.

A Yes, I think so.

Q What was there at Lake Hopatcong?

A A house with a garage.

Q And whose house and garage was it?

A The house of Luis Ortega.

Q Did you meet -- will you explain to the jury how the unloading proceeded?

A We took out the heroin. We started with my Fiat. We took out the heroin, Luis brought the money, which we put back in my car,which I then took to New York to a public parking place.

Q At that point had you actually met Luis Ortega?

A No.

Q How do you know that he brought the money?

A Because Jean Surragto told me so.

Q Where was the second car unloaded?

A The same place. I was upstairs counting the money because I continued to unload the heroin, Ortega brought the money.

JOhn Surragto, Pedri and Repiso unloaded the heroin from the car.

I was upstairs in the room counting the money which Luis Ortega brought to me bit by bit as they unloaded the heroin.

Q What happened at that time?

A It came to me to say that there were people looking through the window of the garage.

Q What happened at that point?

A Then they said what are we going to do and I said let's get out of here, we have finished unloading the heroin, we put them into bags or valises and we left by road with three cars and we stopped at a motel on the way into New York City, a spot that Luis had indicated and told Surragto about.

Q Were you presented to him there?

A It is there later on that I met him.

Q Was there full payment for that sh ipm ent?

A Of course.

Q After this deal was completed did you again meet with Ortega?

A Yes.

Q For what purpose?

A To make an outing.

Q What kind of outing?

A The evening before I returned to France he told me, Jeannot, that we would go out and have a good evening together.

Q Did you do that?

A Yes, we did that.

Q Who was there?

A Jeannot Surragto, myself, Luis Ortega and a friend of his.

Q Were you told the name of his friend?

A Tony.

Q Would you look around the courtroom and tell the jury whether you see the man known as Tony?

A Yes.

Q Will you point him out, please?

A The gentleman there (indicating).

Q Which one? Just indicate what he is wearing.

A The man at the table with his hand on it.

MR. BELLER: May the record reflect that the witness --

THE COURT: Where is he in relation to the lady?

THE WITNESS: The one getting up now.

MR. BELLER: May the record reflect that he indicated Mr. Vidal, the defendant.

Q This was your first time in New York, is that correct?

A My first time.

Q Had you heard of Tony before?

A Yes.

Q From whom?

A From my brother and from Jeannot Surraqto.

Q When had they spoken about Tony?

A At the occasion of their first trip.

Q Was that in what you described as between September and November 1969?

A Yes.

Q What did they say?

A They had given him shelter at the request of Ortega.

Q Where was that?

A In the house they had rented, which they had rented in New York.

Q Who had rented?

A My brother and the two Surragto brothers.

Q What did you do that evening with Luis Surragto, Jeannct Surragto and Tony who is the defendant Vidal?

A We went to a house of appointment where there were women.

Q Perhaps you can translate exactly what is a house of appointment?

A We had a meal and we drank and we went to bed with the women that were in that house.

Q What kind of house was it?

THE COURT: That is enough of a description.

Q Mr. Schoch, have you ever in your adult life been conficted of a crime?

A No.

Q What about as a juvenile, a young person?

A Yes, as a young man I had some trouble.

Q What was that for?

A For theft and for hitting somebody.

Q Did there come a time when you came to New York in 1974 -- withdrawn.

Were you in New York in August of 1974?

A Yes.

Q For what purpose?

A To receive heroin.

Q How much heroin was involved in that shipment?

A 76 kilos.

Q Did there come a time when you were arrested?

A Yes.

Q Did you learn there was an indictment pending against you from the time before you were arrested?

A I learned that when they arrested me.

Q Did you know what you were charged with in that indictment?

A When I read it I knew.

Q Will you tell the jury what the charge is?

A They accused me of conspiracy and having transported heroin and of many things.

Q Are there any other defendants named in that indictment?

A My brother Maurice and my sister Denise.

Q Do you know if that indictment is still pending, still vital?

A Yes.

Q Do you know the maximum sentence you could have

received from that crime, for the charge in the indictment?

A They told me more than once, 25 years.

Q The same is true for your brother and sister, is that correct?

A For the three of us.

Q Did there come a time when you decided to cooperate with the United States Government?

A Yes.

Q When was that?

A Shortly after I was arrested.

Q Your brother is cooperating as well, is that correct?

A Yes.

Q Will you tell the jury what promises were made to you by the Government in exchange for your cooperation?

A For 100 per cent collaboration to tell everything I knew and everything I had done, that would only charge me with a two to ten-year sentence.

MR. BELLER: A tax count, two to ten years?

THE INTERPRETER: Yes.

Q Were any promises made with respect to your sentence?

A Tax count, from two to ten.

Q Were any promises made with respect to what

sentence you would receive within the two to ten?

A No.

Q Any other promises made to you by the Government in exchange for your cooperation?

A If other countries should charge me with any crime in this respect that the United States Government would try to intervene on my behalf.

Q Were you given any assurance that that would be successful?

A They only told me they would try.

Q Now, you were told, were you not, that the Government would bring your cooperation to the attention of the sentencing judge, is that correct, at the time you were sentenced?

A Yes.

Q You were promised as well, were you not, that in the event you were sentenced to prison, the Government would also bring your cooperation to the attention of the Parole Board?

A That is it.

Q Now, were any promises made to you with respect to your sister Denise?

A That if she were found to be guilty she could profit from the same tax count as I would.

Q Were any promises made with respect to the specific sentence that you would receive in the event she pled guilty to the tax count?

A Tax count only if possible.

MR. BELLER: I have no further questions.

MR. PANZER: May I approach the side bar?

(At the side bar.)

MR. PANZER: Judge, today just isn't my day. I have to be before Judge Lasker at 4.30 and I really haven't had an opportunity to go over the 3500 material with respect to this witness.

I don't think I am going to be long even if I do cross-examine. I would if we could adjourn for the day?

MR. ALTER: I will have a brief cross-examination in the morning. It won't be lengthy.

THE COURT: How long have they had the 3500 material?

MR. BELLER: Since this morning.

MR. PANZER: I have just been all over the place and --

MR. BELLER: I have no objection.

THE COURT: Could we get the stipulations in?

MR. BELLER: I didn't plan to do that until

A Yes.

MR. ALTER. I object to any photographic testimony.

THE COURT: I don't think it is necessary.

MR. BELLER: I have no further questions.

THE COURT: You may step down.

(Witness excused.)

MR. BELLER: At this time I would like to read two stipulations to the jury.

Again, a stipulation is an agreement between counsel for the Government and the defendant, in this case between the United States Government and Antonio Borrego Vidal.

It is stipulated and agreed that the defendant Antonio Borrego Vidal was in Barcelona, Spain from at least March 6, 1968 to October 8, 1968.

It is also stipulated and agreed that on the following day the defendant Antonio Borrego Vidal transferred the following amounts of money to an individual in Miami, Florida:

On March 11, 1970, $10,000.

January 14, 1971, $17,615.

On March 1st, 1971, $15,000.

On March 22, 1971, $38,000.

October 18, 1971, $22,176.11 and, on the same day, October 18, 1971, $8000.

The total amount being $110,791.11.

It is further stipulated that these sums of money were utilized for real estate transactions.

MR. ALTER: So stipulated.

MR. BELLER: The Government calls Clyde Venable.

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C L Y D E K. V E N A B L E, called as a witness by the Government, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. BELLER:

Q Mr. Venable, how are you employed?

A With the FBI, sir.

Q How long have you been with the FBI?

A Approximately ten years.

Q Where do you work now, based?

A Trenton, New Jersey, sir.

Q In 1970 where were you based?

A Newark.

Q Directing your attention to May 6, 1970, were you on duty on that date?

A Yes.

Q Will you tell the jury what you did?

A I arrested Antonio Borrego in Union City, New Jersey on May 6, 1970.

Q Where in Union City?

A In the vicinity of 74th Street and Broadway.

Q I ask you to look around the courtroom and see if you see this individual?

A Yes, sir.

Q Will you point him out, please?

A (Indicating.)

Q Will you indicate next to whom he is sitting?

A Next to the woman.

MR. BELLER: May the record reflect that the witness has identified the defendant Vidal.

Q Were you alone?

A No, I had two other agents with me.

MR. BELLER: No further questions.

MR. ALTER: No questions.

THE COURT: Ladies and gentlemen, the only relevance of that question, if it has relevance and that is for you to determine, is the defendant was at the time and place indicated, when and where it was indicated. The Government will argue I assume that this has relevance and the defendant will argue it hasn't. You are not to

MR. ALTER: Your Honor, with regard to the order of immunity to be a court exhibit, that will be isolated from the jury?

THE COURT: Oh, yes, the jury doesn't see court exhibits.

MR. BELLER: I meant the stipulation.

THE COURT: He is talking about the immunity order. The jury won't see that.

MR. BELLER: No.

MR. ALTER: Thank you, your Honor.

MR. PANZER: Your Honor, in order to proceed with my case I will need certain exhibits the government has.

THE COURT: Let me know when you are ready.

(Recess.)

(In open court, jury present.)

MR. ALTER: May I ask that this box be marked as a defendant's exhibit for identification.

(Defendant Vidal's Exhibit D was marked for identification.)

MR. ALTER: Ladies and gentlemwn, it is stipulated by and between counsel for the government and defendant Vidal that this box is in fact Box 1433, having been removed from the First National Bank of New

Jersey and was in fact the box in which access belonged to Juan Plaza --

MR. BELLER: Your Honor, may I just have a moment with counsel?

(Pause.)

MR. BELLER: It is so stipulated that this is box 1433, your Honor, about which there has been some testimony.

MR. ALTER: We will introduce it.

MR. BELLER: No objection.

(Defendant Vidal's Exhibit D was received in evidence.)

MR. ALTER: It is hereby stipulated by and between counsel for the government and counsel for defendant Vidal that safety-deposit box 1433, from the First National Bank of New Jersey, Defendant's Exhibit D, is in fact the actual box rented by persons named Juan Plaza and Antonio Borrego Vidal, and that if this box were to be stuffed with money wrapped in the manner testified to by George Warren Perez that the said box could not hold more than $300,000.

MR. BELLER: So stipulated, your Honor.

MR. ALTER: I ask that this document be marked as a defendant's exhibit.

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(Defendant Vidal's Exhibit E was marked for identification.)

MR. ALTER: I move to introduce it into evidence.

MR. BELLER: No objection, your Honor.

THE COURT: No objection. It is received.

(Defendant Vidal's Exhibit E was received in evidence.)

MR. ALTER: Ladies and gentlemen, Defendant's E is a document from the Circuit Court of the Eleventh Judicial Circuit, in and for Dade County, Florida. It is a certified copy of a judgment of dissolution of marriage.

(Mr. Alter read from Defendant Vidal's Exhibit E in evidence to the jury.)

MR. ALTER: The defendant Vidal rests.

MR. PANZER: Mr. Uziel, please.

M A N U E L U Z I E L, a defendant herein, called as a witness in his own behalf, being first duly sworn, testified as follows:

MR. PANZER: Your Honor, may I say for the record Mr. Uziel will testify in English, he will be cross examined in English. There may be certain areas where he doesn't understand my question. Maybe at that

job. So I have to leave this job and I never checked the background.

Q You weren't interested any more?

A Well, I was doing another kind of job, more important than that one that I don't like.

Q Did you meet his good friend Antonio Borrego Vidal in Cuba?

A No. I met him before this trial.

Q Not before 1973?

A No.

Q You never saw him in New Jersey?

A Never saw him in New Jersey.

Q Never saw him in the United States any place?

A No.

Q He was not in Miami when you went down there?

A No, not in Miami.

Q Not in Puerto Rico?

A No.

Q Not in Cuba?

A Not in Cuba.

Q So 12 years later you met Ortega on the street?

A Yes.

Q And he remembers you?

A Yes.

by the documentary evidence. And you ask when Mr. Alter is summing up, you ask yourselves whether he explains to your satisfaction how it is that this telephone number, Rusam, 1681 Jerome Avenue, Bronx, 299-2800, a telephone number that went out of commission, that was changed at the end of 1972 -- you recall the government put in a second phone book which was corrected up to December 4, 1972, which had a new phone number for Rusam. This was the phone number for Rusam during the period of this conspiracy, Rusam Auto dealers, the business address for Tony Stanzione, a business address Louis Ortega felt important enough to keep in his phone book -- Rusam Auto dealers.

Now, this case is about narcotics and it is about money. And you ask yourselves when Mr. Alter is summing up what about the money in this case? And you may infer, you have a right to infer from the evidence in this case, that the unexplained possession of vast amounts of money in the context of the evidence in this case, Mr. Vidal's unexplained possession of money, is evidence of his involvement in this conspiracy and evidence of his trafficking in narcotics. You have that right and the government asks you to make that inference and it is as plain as day.

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You ask Mr. Alter to explain, you ask him to explain these entries on the card and you see if he says something like, "Well, somebody else, it is different than Vidal."

MR. ALTER: May we have a side bar, your Honor?

THE COURT: No.

MR. BELLER: You ask him to explain. You recall he was arrested in Florida. You remember that trio of witnesses, Finklea, Pritchard and Mr. Gonzalez, he was the airline securities guard, the man from Braniff Airlines, when he took Mr. Vidal to the, you know, motel, the apartment that he had to keep him overnight -- this was in September, 1973 -- he took custody of Mr. Vidal's money and he gave him a receipt, and the receipt was in evidence. And you remembet what it was, $10,000 in $100 bills. And you ask Mr. Alter while he is -- you think to yourselves while Mr. Alter is summing up, you ask how it is that his wife, Antoine Borrego's wife, Justa Hernandez, had in her safe-deposit box $14,000 in $1000 in a wrapper from a New York store, New York. This is a family that lives in Florida and they put in evidence -- you saw the evidence in this case, a safe deposit box and a stipulation

about divorce, a divorce in 1973. The reasons for the divorce -- there is no evidence about that.

This box was drilled according to Mr. Mollinedo, who did it in 1972. And the $500,000, of course, moneys which Mr. Vidal took from the box, took from Luis Ortega and brought down to Florida.

I apologize if I talked too long and perhaps it is not necessary were the facts not as clear as they are in this case.

You swore on your oath to decide this case based on the facts and the government is sure you will do that. Millions of citizens in this community look to the courts for equal justice and they are entitled to your decision based on your oath, based on the facts. Anything less than that, anything other than that, would be an injustice. Other considerations, other things that you know, Sympathy for a defendant, these are not considerations. All of that is built into this process in different ways.

If there is punishment to be meted out that is for his Honor, Judge Knapp, to decide. Your sole duty at this point is to determine the facts and to make the judgment whether or not the government has met its burden of proving the charges in this indictment beyond

a reasonable doubt.

The government submits that it has established that Antonio Borrego Vidal and Manuel Uziel were knowing members of this international, virtually global, conspiracy to violate the narcotics laws of the United States and they did it in the period charged in the indictment, from 1968 for sure through the filing of the indictment. And they did it knowingly and they did it wilfully. They assisted Luis Ortega in his campaign to pollute the life of this community, pollute the streets with thousands and thousands of kilos of heroin.

They did it for a simple reason: to further their greed, their lust for power and for wealth, the wealth that has been established in this case, the money that is floating around, half a million dollars, hundreds of thousands of dollars and so on.

In addition, ask Mr. Alter to explain, while he is summing up, the money -- you remember the stipulation at the very end -- $110,000 stipulated to, agreed to, that Mr. Vidal gave to a man in Florida for real estate transactions.

Now, the defendants are entitled to a fair trial and so is the public. Just as innocent men should

THE COURT: I would like to see counsel and any defendant who wants to in the robing room.

(In the robing room.)

THE COURT: Gentlemen, what is the relationship between the French Schoch gang and the cocaine?

MR. BELLER: None.

THE COURT: That is what I thought.

Why did Schoch go and look at the place where the cocaine was being made?

MR. BELLER: The garage? The garage was to be used for the truck.

THE COURT: The place on Long Island?

MR. BELLER: That was just to say for the week-end.

THE COURT: I tell you, what I think I am going to do on the single conspiracy business, I am going to tell the jury that while I obviously cannot expand the conspiracy alleged in the indictment I can contract it and I am going to instruct them for simplicity, I am going to instruct them before they can convict, they must find that each defendant to have been involved in that part of Ortega's activities as concerned the Schoches, in other words, charges you may not convict either of these defendants unless you find beyond a reasonable doubt that he or they knowingly

and wilfully participated with Ortega and others in the phase of the activities which were involved with the witness Claude Schoch and the French associates, namely, the importation of heroin in the manner described by him and the subsequent distribution in the manner described by Perez.

I will not stop them from considering all the other evidence but in order to convict they must find the defendant to have been involved in that phase of the activities.

Why would that not solve the problem?

MR. BELLER: I don't think there is a problem to be solved in my view for the following reasons:

The testimony is with respect to cocaine that Ortega was in the business of bringing heroin and cocaine to the United States and that is the conspiracy that is charged in the indictment. That charge obviously relates more to Mr. Uziel than to Mr. Vidal and in essence you are charging out of the case the whole transaction with Gonzalez and --

THE COURT: No, it doesn't charge it out of the case because that obviously is relevant both on the questions of Perez' credibility and Uziel's credibility.

MR. BELLER: But more than relevant with respect

to credibility, that is part of the conspiracy, to bring cocaine and the testimony was that when Gonzalez was in the house in New Jersey Uziel came and Ortega showed him Gonzalez' cocaine and samples of cocaine and said is it going to be as pure as this, rock cocaine and Gonzalez said oh, yes and Uziel was present for this and that is part of the conspiracy in which Ortega was involved and Uziel was involved.

THE COURT: I understand but why wouldn't that be a separate conspiracy than the one in which the French were involved?

MR. BELLER: We think it is part of the same conspiracy.

THE COURT: I think it could be argued the other way too.

MR. BELLER: I suppose it could, your Honor, but in your charge you are eliminating, you are saying if they weren't involved in this Schoch part then they are not involved in the conspiracy and that in effect says this other thing is a separate conspiracy. It doesn't leave it to the jury.

THE COURT: I am not letting the jury run the risk of convicting him on a separate conspiracy. As a practical matter they are not going to, if they believe he

was involved in that, they are not going to believe he wasn't involved in the other. The human mind just couldn't come to that conclusion.

MR. PANZER: I think the Judge is right, your main case is on the other.

THE COURT: That Uziel having lied about his non-involvement in cocaine all of a sudden he got religion and was telling the truth about his non-involvement in the heroin.

MR. BELLER: I don't think that is the law of the single-multiple conspiracy as outlined in Tramunti.

THE COURT: I am not saying it is. I am trying to submit a case to the jury which they can understand, A, and B, I can be sure is not reversible.

MR. BELLER: I think it also has to be clear that the Jaguar is part of the heroin conspiracy and is related to Schoch.

THE COURT: If that isn't clear I don't think anything would be.

MR. BELLER: But Schoch did not testify as to the Jaguar.

THE COURT: He mentioned five -- didn't he testify to that?

MR. BELLER: That was not mentioned, the Jaguar.

THE COURT: It did involve the witnesses and the French associates.

MR. BELLER: He testified that Orsini was involved with them in the first shipment and Orsini was involved in another shipment that doesn't relate to Schoch, in November 1970, Latour and the Huguen shipment and then Orsini was involved in the last shipment.

THE COURT: And including Orsini.

I will say that the shipment in the cars beginning with -- which was the first one?

MR. BELLER: In the fall of 1969, the Accadian.

THE COURT: With the Accadian and winding up with the Jaguar. That will clear that up.

I am not suggesting that if there were any practical value to the Government explaining about one conspiracy and two conspiracies, but nothing has been mentioned about that to anybody and all that will do is confuse them and I assume when Judge Duffy charged as he did against the background that it had been argued to the jury and they knew what he was talking about.

MR. BELLER: My feeling is that counsel are not entitled to a single-multiple conspiracy charge based on the evidence and based on the approach.

THE COURT: If I had not mentioned it the single

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and multiple conspiracy that would be it but that is not the point I am raising. I don't see as a practical matter, it is just a human impossibility, if they are going to believe he was lying about cocaine and suddenly is saying the truth about the heroin. If he is in one he is in both. I will explain to them all the other evidence has a direct bearing first on the likelihood of his being in this particular phase of the operation and also on the respective credibility of Perez on the other hand and that eliminates that question.

Unless I change my mind between now and tomorrow morning that is what I will do.

MR. PANZER: As I said before, I don't think this case is going to be won on the multiple conspiracy theory. I don't think it makes any difference and I think the only real harm would be to try to explain the difference between the two and there would be some confusion.

MR. BELLER: I see that problem but I really think in view of the evidence and in view of the arguments of counsel and so on that the charge could be that you must find an independent conspiracy in existence and the conspiracy charged in the indictment is the conspiracy to import cocaine and heroin and such and such people are defendants and co-conspirators and the other people in the

indictment, in the testimony who the Government alleges are members of the conspiracy and you must find this conspiracy existed and these individuals were knowing members of the conspiracy.

THE COURT: Did Judge Griesa charge multiple conspiracy?

MR. PANZER: I don't think that was the problem there because the Frenchmen did not testify to anything about cocaine.

THE COURT: That doesn't make any difference. The Government clearly has a right there, that there was in fact one conspiracy going from beginning to end. It is just a question of what the defendant's position is.

MR. PANZER: My position is if your Honor is going to charge the way Mr. Beller just indicated then I am entitled to a charge that the jury could find that cocaine was an entirely different conspiracy and if they find that they were members of that conspiracy and not the heroin conspiracy, they are entitled to acquittal, because the French witnesses do not hook up with Perez' testimony as to cocaine. That is an entirely different conspiracy.

THE COURT: I don't think you are right but it raises a point I don't see any point in raising.

MR. ALTER: If we relate it to the heroin we

are not disturbing the Government advocacy.

THE COURT: If both defendants are satisfied with what I have outlined --

MR. ALTER: Yes.

MR. BELLER: I would be satisfied so long as it is clear to the jury that the evidence with respect to the -- the Government submitted thaat.

THE COURT: That would have to be clear.

MR. BELLER: With respect to the Battle plan and the Gonzalez plan and that is relevant with respect to Uziel's membership in the conspiracy relating to heroin.

THE COURT: I would tell them all the evidence.

MR. BELLER: That is the problem. You should say you must find that all the defendants were members of the conspiracy involving heroin from the Accadian through the Jaguar and something has to be said about the cocaine stuff and the Battles.

THE COURT: All other evidence involved and it is relevant on the conspiracy, one, and two, it relates to the credibility of witnesses.

MR. ALTER: Your Honor, I was talking with the interpreter here and there was an indication that certain judges provided copy of charges. Is that your policy or do you just maintain your own brief copy? She is going

important one. If one knowingly participated in the conspiracy, his guilt is equal and that is all there is to it.

Nor does it make any difference as far as one's guilt of the crime of conspiracy is concerned whether one was a member on the day that the conspiracy was hatched or whether he joined it in the last day before its dissolution. Knowing participation at some point is all that counts.

At this point may I digress a moment. You will recollect that the evidence before you suggests that Luis Gomez Ortega and some of the others may have engaged in various illegal enterprises. Before either of these defendants on trial may be convicted, you must be satisfied beyond a reasonable doubt that he was associated with Ortega in a single, definable conspiracy.

To simplify your task in this regard I am going to pare down the question which is going to be presented to you. I am going to direct you to confine yourselves exclusively to such part of Ortega's alleged activities as are concerned with the importation of heroin hidden in automobiles as generaly described by the witness Schoch.

That activity started you will recollect with a shipment concealed in an Accadian -- I remember that, I never heard it before -- and ended according to the Government sometime after Ortega's capture with the Jaguar but in

no event later than October of 1973.

k3 B3 a.m. I therefore charge you as a matter of law that you may not convict either of the defendants unless you are satisfied beyond a reasonable doubt that he was a willful and knowing participant in that phase of the activities of Ortega and his alleged co-conspirators.

Of course, that doesn't prevent you from considering the other evidence before you as far as you may find it relevant to the question as I have just defined it.

For example, you might find testimony concering Luis Ortega's alleged cocaine activities relevant to the question of whether or not either of these defendants participated with him in the automobile heroin ventures.

For another example, you may find such evidence relevant to your task of assessing the credibility of witnesses such as Perez and Uziel.

Needless to say, by mentioning this as an example, I do not mean to suggest that you should find this particular evidence any more or less relevant than any other. I mean just what I say, for example.

If then you should find beyond a reasonable doubt that Ortega and the others were engaged in a criminal conspiracy, and that either or both of these defendants willfully and knowingly participated in the phase of Ortega's

(Note received from jury at 12.15 p.m. was marked Court Exhibit 4.)

Court Exhibit 4 reads as follows:

"Judge Knapp:

"May we be supplied with the testimony of the date and reason of arrest relating to Vidal's illegal entry into Miami?"

"Also provide us with other dates and reasons of arrests pertinent to this case."

(Not received from jury at 12.20 p.m. was marked Court's Exhibit 5.)

Court Exhibit 5 reads as follows:

"Are there evidences of Vidal's presence in New York or New Jersey on dates of drug shipments from Europe (as stated in Mr. Beller's summation).

"If so, may we have them?

"May we see the contents of Vidal's wallet upon his arrest."

(Discussion in the robing room held off the record.)

(The following took place in the robing room at 1.55 p.m.)

THE COURT: Exhibit 55 was sent in and the Government inquired as to whether or not to send in 59.

Court Exhibit 6 is:

"Judge Knapp, would you be kind to explain to the jury the second count as to what defines possession with intent to distribute. Does it necessarily follow that being guilty of the first count makes one guilty of the second count?"

The answer to the second question is obviously no. I will explain that, the elements of the count.

Court Exhibit 7 reads:

"Judge Knapp:

"Did Claude Schoch testify that he had known of Vidal before meeting him for the first time at Eva Levy's house."

(Court Exhibits 6 and 7 were marked.)

THE COURT: The answer to that is yes.

Do either of your clients want to be in here?

MR PANZER: No.

MR. ALTER: I invited my client and he declined.

THE COURT: As to the dates of arrest, they are May 6, 1970, the arrest in New Jersey by FBI Agent Venable. No reason.

MR. BELLER: That is correct.

Could you say North Bergen, New Jersey because we have cities for everything else.

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THE COURT: Testified to seeing him on June 23rd.

MR. BELLER: The 23rd he asked for the room number and he was told and he left a message and he saw him on the 24th.

THE COURT: The record puts him there on the 23rd.

The Jaguar arrives September 15, was seized September 19 and the presence of Vidal is September 23rd, a signature in his name at the Fort Lee safe-deposit box.

MR. BELLER: Will you also indicate that we were preparing this from records and that we hadn't gone out. Probably they think we went out to lunch.

(In open court - jury present at 2.20 p.m.)

THE COURT: Ladies and gentlemen, I have several questions and I think I will just deal with them in the order I received them.

Incidentally, the reason for the delay in answering them is that it took counsel a considerable amount of time to organize this material. I just want you to know no counsel went off to lunch. I am the only one who had lunch, they all worked.

The first one which is Court Exhibit 4:

"May we be supplied with the testimony of the

dates and reason of the arrest relating to Vidal's illegal entry into Miami. Also provide us with other dates and reasons of arrest pertinent in this case."

I will read those dates to you. With respect to the reasons, most times there won't be any and as I told you if the reason wasn't given at the time, you aree not to speculate about what it may have been. There are thousands of reasons why a person can be arrested and it was only offered to show that he was at the place arrested at the time in question and don't speculate about the reason unless it is given to you.

On May 6, 1970, he was arrested in North Bergen, New Jersey by FBI Agent Venable. No reason.

On August 3rd, 1973, he was arrested in Miami by Agent Dodge on the warrant in this indictment. That was the reason for that arrest.

On September 3, 1973, he was detained in Miami by Immigration authorities. As to the reason, you will remember the testimony of Immigration Agent Finklea that he became suspicious of Vidal's identity.

If you want, you can hear the agent's testimony but if that is all you want to know, I will just remind you of that testimony which is probably fresh in your mind.

On December 22, 1973, Agent Ross arrested Mr. Vidal in Miami. Again, no reason given to you.

Exhibit No. 5:

"Are there evidences of Vidal's presence in New Jersey or New York on the dates of drug shipments from Europe (as stated in Mr. Beller's summation). If so, may we have them.

"May we see the contents of Vidal's wallet from his arrest."

Now, there was only one wallet. There were papers on him another time that haven't been sent to you I believe. If that is what you want that is the end of it but if you want the other papers he had and so on at arrest you may have them. You indicate you don't want them.

Now, in answer to the first question -- incidentally, just so you understand, my system in answering questions from jurors is to answer them as narrowly as possible. That is not because I don't want you to have information but I don't want anything I do in answering to give you any idea I am going one way or the other, so I try to answer as narrowly as I can. If that is not enough, naturally you will tell me.

"Are there any evidences of Vidal's presence in

New York on the dates of drug shipments."

The precise answer to that question is there is no evidence as to any precise date. I have collated the testimony of approximately the dates for this whole series. If you want that I will give it to you. If you don't, although there is no evidence of precise dates, we will go on to the next question.

Do you want the collation?

THE FORELADY: Yes.

THE COURT: Now, in the first shipment that is relevant is the testimony about the Accadian car and Mr. Claude Schoch fixed that as between August and November 1969. He didn't say that the operation took that whole time, he said that was the best he could fix the date.

There is a Customs declaration of the name of Muzzi which was established as Jean Surragto on October 31, 1969 and a Customs declaration of Capasso which is Maurice Surragto on November 4, 1969 and of Vandelli which is Maurice Schoch on November 4, 1969.

MR. ALTER: Excuse me a moment. May we approach the side bar?

(At the side bar.)

MR. ALTER: I want to indicate to you that the forelady is taking notes and I wonder if you want to know

ars

about it and speak to her.

THE COURT: However you want to treat it. I think it is all right for the forelady to take notes in this respect. Ordinarily I don't.

MR. ALTER: My own response is I think it accentuates your answers.

THE COURT: I think it is all right.

MR. ALTER: I respectfully object.

MR. BELLER: Now that I think about it, I think there might be an error in her notes and it is the same problem you mentioned at the start of the trial about people taking notes.

THE COURT: Would you rather that she don't?

MR. BELLER: At this point I would.

(In open court.)

THE COURT: Madam Forelady, I want to remind you of the rule I mentioned earlier about people aren't supposed to take notes.

THE FORELADY: I can't remember all the dates.

THE COURT: The return tickets indicate departures on December 4 and 17.

Now, the presence of Vidal, there is testimony of Claude Schoch that he had been told by his brother that his brother had met Vidal during this trip, Tony he was

called.

That incidentally answers the last question which was did Claude Schoch testify that he had known Vidal before meeting him at Eva Levy's house, because that is his testimony and that is the answer to that question. That is the next one coming and in this one he says his brother told him about him.

Now, the next one is the two Fiats and Claude Schoch fixed it as between April and June of 1970. We have no more specific date than that and as to Vidal's presence, Schoch testified that he went with Vidal to a house of prostitution after the deal was completed. And is to the other thing, between April and June, theree is testimony of Agent Venable on May 6 he arrested Vidal in North Bergen, New Jersey.

Then next we have the two Fiats and a Citroen and Schoch fixed the date as between July and September, October, those are his words, of 1970.

And there is a ticket of Muzzi identified earlier as August 25 from New York to Barcelona.

As to Vidal's presence, there is just Perez' testimony of a conversation with Ortega establishing Vidal's presence in New York, in that area at that time.

Then there is the Orsini shipment as to which

we don't know what car was involved because Schoch didn't testify about that and there is testimony of Perez as to the dates which he fixed in November of 1970 and a ticket for Orsini and Latour, New York to Buenos Aires, November 29, 1970.

And again, Vidal's presence, all there is on this is Perez' testimony about a conversation with Ortega establishing Vidal -- suggesting Vidal was in the area at that time.

Then there are the two Citroens and the date fixed by Claude Schoch was from the end of December through the middle of January, December 1970 to January 1971.

The Customs declarations show Capasso and Surragto arriving December 28 and Claude Schoch and his brother Maurice arriving on the 29th. The return tickets are from January 11 and 12.

As to Vidal, we again have just testimony of Perez to a conversation of Ortega fixing his presence, suggesting his presence at that time.

Then there is the racing car which didn't arrive. The Cunard papers and Perez' testimony shows arrival around July 21 as I remember it and as to the presence of Vidal, you have the records of the Holiday Inn showing a person by that name I guess it was there from July 23rd to 26th

and Perez testified that he saw him there on the 24th.

Then the Jaguar, I guess we all know the date of that, it arrived on the 15th and was seized on the 19th of September, 1971 and the records of the the Fort Lee bank show a person Antonio Borrego Vidal on September 23rd going to the box.

That recitation was all done by agreement of counsel, which they all thought was the easiest way to present them to you and needless to say, in reciting these dates and testimony, I don't in any sense endorse the testimony as true nor do I want to suggest it wasn't true. It is just clear that this is a recitation of what we have agreed the record shows. The mere fact that I repeat all that doesn't mean that I am endorsing it or making any comment one way or the other.

Now, I guess what I ought to do is clarify the second count as to what defines possession with intent to distribute.

"Does it necessarily follow that being guilty of the first count makes one guilty of the second count?"

Any question from the jury saying does it necessarily follow that anything requires a verdict of guilty as to anything has to be answered no.

AFFIDAVIT

State of Louisiana,
Parish of Orleans, } ss.

Jack J. Scofield, of lawful age, upon oath, states that he is President of Scofields' Quality Printers, Inc., a corporation; that said Scofields' Quality Printers, Inc., is engaged in the printing business in New Orleans, Orleans Parish, Louisiana; that it printed the Appendix Case No. 75-1245, in the case of Vidal v. USA

for Ms. Robyn Greene

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